

By Mr. HUFF: Petition of citizens of Butler County, Pa., for a national highways commission and Federal aid in construction of public highways—to the Committee on Agriculture.

Also, petition of Central Federated Union, favoring battleship building in navy-yards—to the Committee on Naval Affairs.

By Mr. HUMPHREY of Washington: Petition of T. R. Ellwood and other citizens of Washington, for a national highways commission and making appropriation for construction and improvement of public highways—to the Committee on Agriculture.

By Mr. LINDSAY: Petition of Clearing House Association of the banks of Philadelphia, for reference of the whole question of currency reform to a commission of representative business men and financiers—to the Committee on Banking and Currency.

Also, petition of Kansas City Clearing House Association, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of board of education of New York City, favoring H. R. 20012, for establishment of marine schools—to the Committee on Naval Affairs.

Also, petition of Central Federated Union, favoring battleship building in the navy-yards—to the Committee on Naval Affairs.

Also, petition of Charles Endres and James J. Duffy, for legislation to exclude labor from the provisions of the Sherman antitrust law—to the Committee on the Judiciary.

By Mr. LOWDEN: Petition of Chicago City Council, favoring H. R. 15123 and 15267 and S. 4395, relative to conduct of telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of many representative citizens of New York, against the atrocities practiced by the Russian Government—to the Committee on Foreign Affairs.

By Mr. McLAIN: Papers to accompany House bill for relief of estate of Emmitt Hicks, of Clairborne County, Miss.—to the Committee on War Claims.

By Mr. McMILLAN: Petition of Lindenwold Grange, No. 985, for a highways commission and Federal aid in building roads—to the Committee on Agriculture.

By Mr. MALBY: Petition of De Kalb Junction (N. Y.) Grange, No. 1120, for a national highways commission and appropriation for Federal aid in building highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. MOUSER: Petition for the creation of a national highways commission and for appropriation to give Federal aid to the States in highway construction (H. R. 15837)—to the Committee on Agriculture.

Also, petition of citizens of New York and vicinity for relief for heirs of victims of the *General Slocum* disaster—to the Committee on Claims.

By Mr. MOON of Tennessee: Petition of Chattanooga (Tenn.) Clearing House Association, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. NORRIS: Petition of Omaha Clearing House Association, against Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. NYE: Petition of Twin City Foundry Men's Association, against the anti-injunction and eight-hour bills—to the Committee on the Judiciary.

Also, petition of Minneapolis City Lodge, No. 63, against restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. OVERSTREET: Petition of Indianapolis Hebrew congregation, against legislation providing for an educational test, certificate of character, and money-in-the-pocket feature, as outlined in the Latimer or Gardner bills—to the Committee on Immigration and Naturalization.

By Mr. PADGETT: Paper to accompany bill for relief of George T. Wilson—to the Committee on War Claims.

By Mr. RAINEY: Petition of Columbia Damen Club, of Chicago, asking for enactment of child-labor law—to the Committee on the District of Columbia.

By Mr. RYAN: Petition of Clearing House Association of Banks of Philadelphia, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. SABATH: Petition of Columbia Damen Club, of Chicago, favoring the Beveridge-Parsons bill, preventing employment of children in factories and mines—to the Committee on Labor.

Also, petitions of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, and Marine Engineers' Beneficial Association, No. 35, of San Francisco, Cal., for H. R.

14941, amending section 4463 of Revised Statutes of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, petition of Clearing House Association of the Banks of Philadelphia, favoring reference of the entire currency question to a commission of representative business men—to the Committee on Banking and Currency.

By Mr. SMITH of Michigan: Petition of Ramnald Platkowski, in behalf of Polish citizens of Detroit, Mich., for the Bates resolution, relative to expropriation act of Prussia—to the Committee on Foreign Affairs.

By Mr. SPERRY: Petition of the Interstate Builders, Contractors, and Dealers' Association and citizens from New Haven, Hartford, New Britain, Ansonia, Derby, Shelton, Waterbury, Guilford, and Georgetown, all in the State of Connecticut, against the Hepburn amendment to the Sherman antitrust law—to the Committee on the Judiciary.

Also, resolution of Templars of Honor and Temperance of Connecticut, favoring the Littlefield bill—to the Committee on the Judiciary.

Also, resolution of the Emmet Club, of New Haven, Conn., against the treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, resolution of Division No. 1, Ancient Order of Hibernians, of Naugatuck, Conn., against the treaty of arbitration between the United States and Great Britain—to the Committee on Foreign Affairs.

By Mr. STEVENS of Minnesota: Petition of Business League of St. Paul, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. WILSON of Pennsylvania: Petition of Edgar R. Kiess and other residents of Lycoming, Pa., for creation of a national highways commission and making appropriation for construction and improvement of public highways—to the Committee on Agriculture.

By Mr. WEISSE: Petition of Union Veterans' Legion, Encampment No. 51, of Fort Wayne, Ind., praying for a monument to Gen. Anthony Wayne—to the Committee on the Library.

Also, petition of Chamber of Commerce of city of Richmond, Va., opposing passage of Aldrich bill and in favor of Fowler bill—to the Committee on Banking and Currency.

## SENATE.

TUESDAY, April 14, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

### SWISS EMBROIDERY AND LACE INDUSTRY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, the report of Special Agent W. A. Graham Clark on the Swiss embroidery and lace industry, together with additional reports from consular officers in other countries on the manufacture of embroidery and lace, which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

### ACTION OF NEW YORK CITY BANKS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of February 18, 1908, copies of all letters and telegrams received by the Secretary of the Treasury and the Treasurer of the United States relative to the refusal of the national banks in New York City to furnish currency for the needs of interior banks, which, with the accompanying papers, was referred to the Committee on Finance and ordered to be printed.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a concurrent resolution to correct an error in the enrollment of the bill (H. R. 20310) relating to the liability of common carriers by railroads to their employees in certain cases, by inserting in section 3, line 2, after the word "railroad," the words "under or by virtue of any of the provisions of this act," in which it requested the concurrence of the Senate.

### ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill H. R. 17983, an act for completing the pediment of the House wing of the Capitol, and it was thereupon signed by the Vice-President.

## PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Ministerial Association of Lafayette, Ind., praying for the passage of the so-called "Acheson bill," to regulate the interstate transportation of intoxicating liquors, which was ordered to lie on the table.

He also presented memorials of the Clearing House Association of Indianapolis, Ind.; of the Business League of St. Paul, Minn.; of the Minnesota Clearing House Association; of the Banks of Minneapolis and St. Paul, Minn., and of the Clearing House Association of Racine, Wis., remonstrating against the passage of the so-called "Aldrich currency bill," which were ordered to lie on the table.

Mr. CULLOM presented a memorial of the Trades and Labor Assembly of Belleville, Ill., remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Wilmerding, Pa.; of the Irish Benevolent Society of St. Paul, Minn.; of Division No. 1, Ancient Order of Hibernians, of Danbury, Conn.; of the United Irish Societies of Yonkers, N. Y.; of the Robert Emmet Association, of Cohoes, N. Y., and of the Thomas Davis Club, of New York, N. Y., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

Mr. PLATT presented a petition of the Chamber of Commerce, of Rochester, N. Y., praying for the enactment of legislation to conserve the natural resources of the United States, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented the petition of William Schofield, of Brooklyn, N. Y., praying for the adoption of certain amendments to the so-called "Sherman antitrust law," relating to labor organizations, which was referred to the Committee on the Judiciary.

He also presented a petition of Local Union No. 20, Stereotypers and Electrotypers' Union, of Binghamton, N. Y., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented memorials of the Robert Emmet Association, of Cohoes; the Thomas Davis Club, of New York City, and of John J. Lucey and M. F. Vealy, of New York City, all in the State of New York, remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

He also presented a memorial of the Merchants' Association of New York, remonstrating against the passage of the so-called "Crumpacker census bill," to provide for the appointment of additional clerks for the taking of the Thirteenth and subsequent censuses without competitive examination, which was referred to the Committee on the Census.

Mr. SMITH of Michigan presented a petition of the Bay County Bar Association, of Michigan, praying for the enactment of legislation providing for the creation of an additional United States district court in that State, which was referred to the Committee on the Judiciary.

Mr. CLARK of Wyoming presented the memorial of John Dale and other citizens of Omaha, Nebr., remonstrating against the oppression practiced by the Russian Government upon citizens of that Empire, which was referred to the Committee on Foreign Relations.

Mr. NIXON presented a memorial of the Grattan Club, of Goldfield, Nev., remonstrating against the ratification of the pending treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. BURROWS presented a petition of Local Grange No. 1306, Patrons of Husbandry, of Thompsonville, Mich., praying for the enactment of legislation providing for the establishment of postal savings banks, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Century Club, of Charlotte, Mich., praying for the passage of the so-called "Crumpacker bill," providing for the employment of additional clerks in the taking of the Thirteenth and subsequent censuses, which was referred to the Committee on the Census.

He also presented a petition of Randall Post, No. 238, Grand Army of the Republic, Department of Michigan, of Coopersville, Mich., praying for the enactment of legislation granting pensions to prisoners of war, which was referred to the Committee on Pensions.

He also presented a petition of the Trades Council of Albion, Mich., praying for the passage of the so-called "McHenry bill," providing for the creation of a Bureau of Mines, which was referred to the Committee on Mines and Mining.

He also presented a memorial of Detroit Lodges Nos. 82 and 505, International Association of Machinists, of Detroit, Mich., and a memorial of sundry citizens of Edwardsburg, Mich., remonstrating against the passage of the so-called "Penrose bill," amending the postal laws respecting second-class mail matter, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Marquette, Mich., and a petition of the Michigan State Pharmaceutical Association, of Ann Arbor, Mich., praying for the adoption of an amendment to the so-called "Sherman antitrust law," which were referred to the Committee on the Judiciary.

He also presented a petition of Local Grange No. 279, Patrons of Husbandry, of Onsted, Mich., and a petition of the Congregation of the Free-Will Baptist Church, of Onsted, Mich., praying for the restoration of the motto "In God we trust" on all coins of the United States, which were referred to the Committee on Finance.

He also presented petitions of sundry Grand Army posts of Breckenridge, Kalkaska, Morley, Carson City, Pentwater, Vassar, Albion, Marshall, Perrinton, Coldwater, Charlotte, and Battle Creek, all in the State of Michigan, praying for the passage of the so-called "Sherwood pension bill" granting more liberal rates of pensions, which were referred to the Committee on Pensions.

He also presented a memorial of Detroit Post, No. 384, Department of Michigan, Grand Army of the Republic, of Detroit, Mich., and a memorial of C. Colegrove Post, No. 166, Department of Michigan, Grand Army of the Republic, of Marshall, Mich., remonstrating against the enactment of legislation proposing to abolish certain pension agencies throughout the country, which were referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Roscommon, Romulus, Coleman, Scottville, Pentwater, Moscow, Cadillac, Adrian, Tawas City, Berrien Center, Britton, Stanton, Davisburg, Madison, Flint, Wallen, Thompsonville, Welden, and Sandusky, all in the State of Michigan, praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of sundry citizens of Kalamazoo, Mich., remonstrating against the passage of the so-called "parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. STONE presented memorials of sundry citizens of St. Louis, St. Joseph, Reno, Nevada, Kansas City, Hamilton, Ash Grove, St. Charles, Pineville, Lewistown, Washburn, McDowell, Rockville, Taneyville, Monteer, Creighton, and Vernon, Barry, Holt, Jackson, Gasconade, Morgan, Marion, and Bates counties, all in the State of Missouri, remonstrating against the enactment of legislation to prohibit Sunday banking in post-offices in the handling of money orders and registered letters, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of Local Union No. 5, International Bricklayers Union, of St. Joseph, of Local Union No. 8, International Typographical Union of St. Louis, and of Local Union No. 18, International Brotherhood of Bookbinders, of St. Louis, all in the State of Missouri, remonstrating against the enactment of legislation to prohibit the manufacture and sale of intoxicating liquors in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented memorials of the Clearing House Association of Kansas City, of the national banks of St. Louis, and of the executive committee of the Business Men's League, of St. Louis, all in the State of Missouri, remonstrating against the passage of the so-called "Aldrich currency bill," and praying for the appointment of a currency commission, which were ordered to lie on the table.

He also presented a petition of the Cycling Club of St. Louis, Mo., praying that an appropriation be made for the improvement of the national highways of the country, which was referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Central Labor Union of Rich Hill, Mo., and a petition of Local Union No. 1224, United Mine Workers of America, of Rich Hill, Mo., praying for the enactment of legislation providing for relief incident to accidents in coal mines, which were referred to the Committee on Mines and Mining.

He also presented a petition of Deer Lake Lodge, No. 17, International Association of Machinists, of Springfield, Mo., praying for the enactment of legislation providing for the con-

struction of at least one of the proposed new battle ships at one of the Government navy-yards, which was referred to the Committee on Naval Affairs.

He also presented a petition of the Missouri Bankers' Association, of Sedalia, Mo., praying for the enactment of legislation providing for uniform bills of lading, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the congregation of the Westminster Presbyterian Church, of St. Joseph, Mo., praying for the enactment of legislation to prohibit the importation and sale of opium in the United States and the insular possessions, which was referred to the Committee on Finance.

He also presented a petition of Lafayette Union, No. 45, Brotherhood of Locomotive Firemen and Engineers, of De Soto, Mo., and a petition of the Trades and Labor Assembly of Hannibal, Mo., praying for the adoption of certain amendments to the so-called "Sherman anti-trust law" relative to labor organizations, which were referred to the Committee on the Judiciary.

He also presented a petition of the Lumbermen's Club, of St. Louis, Mo., praying for the enactment of legislation fixing the term of office of the President of the United States at six years and making him ineligible for reelection, which was referred to the Committee on the Judiciary.

He also presented a petition of the Pride of the West Lodge, No. 8, Brotherhood of Locomotive Firemen and Engineers, of De Soto, Mo., praying for the enactment of legislation requiring railroad companies to equip their locomotives with automatic self-dumping and self-cleaning ash pans, which was referred to the Committee on Interstate Commerce.

Mr. GALLINGER presented a petition of Local Union No. 152, International Typographical Union, of Manchester, N. H., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a memorial of the Appalachian Mountain Club, of Boston, Mass., remonstrating against the enactment of legislation to amend the present law providing for the control and regulation of the waters of Niagara River and for the preservation of Niagara Falls, which was referred to the Committee on Foreign Relations.

He also presented a petition of the American Association of Masters, Mates, and Pilots, of Baltimore, Md., praying for the enactment of legislation authorizing the Secretary of War to cause a survey to be made of the harbor at Portsmouth, N. H., with a view to building a dam to slack the current and cause still water, which was referred to the Committee on Commerce.

He also presented the petition of B. G. Rapp, of Washington, D. C., praying for the enactment of legislation to amend the Code of Law for the District of Columbia with regard to the receipt of usurious interest, which was referred to the Committee on the District of Columbia.

He also presented memorials of sundry citizens of Illinois and Colorado, remonstrating against the enactment of legislation to protect the first day of the week as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

Mr. BURKETT presented a petition of sundry citizens of Omaha, Nebr., praying for the enactment of legislation to readjust the pay of soldiers of the civil war on a gold basis, which was referred to the Committee on Pensions.

Mr. BURNHAM presented a petition of Local Union No. 152, International Typographical Union, of Manchester, N. H., praying for the enactment of legislation to repeal the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which was referred to the Committee on Finance.

He also presented a memorial of the Appalachian Mountain Club, of Boston, Mass., remonstrating against the enactment of legislation to amend the present law providing for the control and regulation of the waters of Niagara River and for the preservation of Niagara Falls, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Farmers' Institute, of Sedgwick, Kans., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DEPEW presented a petition of Lindenwald Grange, No. 985, Patrons of Husbandry, of Kinderhook, N. Y., and of De Kalb Junction Grange, No. 1120, Patrons of Husbandry, of De Kalb Junction, N. Y., praying for the enactment of legislation providing for the establishment of a rural parcels post, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Lake Seamen's Union, of Brooklyn, N. Y., remonstrating against the enactment of legis-

lation to amend section 4463 of the Revised Statutes relating to the complement of the crews of vessels, which was ordered to lie on the table.

He also presented a memorial of the Knights of Labor, of the State of New York, remonstrating against any proposed changes being made in the tariff schedules which will remove the protection now afforded the products of American industry against the competition of foreign labor, which was referred to the Committee on Finance.

He also presented resolutions adopted by the Business Men's Association, of Auburn, N. Y., expressing their appreciation of the results attained at the Second Hague Peace Conference, which were referred to the Committee on Foreign Relations.

He also presented resolutions adopted by the Chamber of Commerce, of Rochester, N. Y., approving the calling by the President of a conference to consider the conservations of the natural resources of the United States, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a memorial of the Chamber of Commerce of Rochester, N. Y., and a memorial of the Clearing-House Association of Rochester, N. Y., remonstrating against the passage of the so-called "Aldrich currency bill," which were ordered to lie on the table.

He also presented petitions of the Longshoremen's Independent Political Union of the port of New York; of Bricklayers' Union, No. 37, of New York City; of the Lake Seamen's Union of Buffalo; of sundry citizens of Schenectady, and of the Irish societies of Yonkers, all in the State of New York, remonstrating against the ratification of the pending arbitration treaty between the United States and Great Britain, which were referred to the Committee on Foreign Relations.

#### SECOND HAGUE PEACE CONFERENCE.

Mr. LODGE. I present a paper prepared by David Jayne Hill, d'Estournelles de Constant, and James Brown Scott, members of the Second Hague Peace Conference, relating to the proceedings of that conference. I move that it be printed as a document.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. KEAN, from the Committee on Claims, to whom was referred the bill (S. 6179) for the relief of Mary Sherman McCallum, asked to be discharged from its further consideration and that it be referred to the Committee on Finance, which was agreed to.

Mr. FLINT, from the Committee on Public Lands, to whom was referred the bill (H. R. 13577) providing for the resurvey of certain public lands in the State of Nebraska, reported it without amendment and submitted a report (No. 504) thereon.

He also, from the same committee, to whom were referred the following bills, submitted an adverse report (No. 506) thereon, which was agreed to, and the bills were postponed indefinitely:

A bill (S. 2564) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands;

A bill (S. 2708) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands;

A bill (S. 4850) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes; and

A bill (S. 4854) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes.

Mr. SMOOT, from the Committee on Public Lands, to whom was referred the bill (H. R. 12773) granting to the city of Woodward, in the State of Oklahoma, lot 2, in block 48, for park and other public purposes, reported it without amendment and submitted a report (No. 507) thereon.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred certain bills granting pensions and increase of pensions, submitted a report (No. 508), accompanied by a bill (S. 6625) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and helpless and dependent relatives of such soldiers and sailors,

which was read twice by its title, the bill being a substitute for the following Senate bills heretofore referred to that committee:

S. 949. Frank Kasshafer, alias Frank Snyder.  
 S. 982. Charles Duggan.  
 S. 1533. Timothy Covell.  
 S. 1538. Sarah Pennock.  
 S. 2222. John M. Burk.  
 S. 2297. Simon G. Cutting.  
 S. 2312. William B. Scott.  
 S. 2503. William T. Smith.  
 S. 3246. Thomas Moore.  
 S. 3320. Sarah A. Creed.  
 S. 3529. Winifred Flynn.  
 S. 3909. John H. Stover.  
 S. 3910. Thomas Heimbach.  
 S. 4003. George G. Sherlock.  
 S. 4061. John F. Young.  
 S. 4232. Addison Baker.  
 S. 4264. Charles L. Morrison.  
 S. 4297. Martin B. Wilson.  
 S. 4450. Laura W. Russell.  
 S. 4604. Stephen D. Taber.  
 S. 4605. John L. Smith.  
 S. 4606. George T. Miller.  
 S. 4979. Thomas B. Lewis.  
 S. 5607. William A. Reilly.  
 S. 5683. Thomas A. Skrivan.  
 S. 5989. Joseph C. Lambert.  
 S. 5981. Elijah Johnson.  
 S. 6002. Alfred O. Smith.  
 S. 6009. John H. Carter.  
 S. 6053. Jefferson Wood.  
 S. 6081. Silas L. Ashley.  
 S. 6128. Lucy E. Gregory.  
 S. 6158. Joseph S. Works.  
 S. 6180. James Shaahan.  
 S. 6182. Corter J. Brazee.  
 S. 6183. Charles H. Goss.  
 S. 6186. Royal E. Dake.  
 S. 6202. William S. McCormish.  
 S. 6292. Cynthia A. Lapham.  
 S. 6307. James Wilson.  
 S. 6322. Andrew H. Yeazell.  
 S. 6352. Daniel Champlin.  
 S. 6366. Solomon Holmes.  
 S. 6374. Jud Morrow.  
 S. 6396. Charles E. Bowman.  
 S. 6407. Toor Anderson.  
 S. 6412. Hiram E. Turner.

Mr. GUGGENHEIM, from the Committee on Claims, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 6312) for the relief of the Philadelphia Company, of Pittsburgh, Pa. (Report No. 509); and

A bill (S. 3748) for the relief of the Logan Natural Gas and Fuel Company, of Columbus, Ohio (Report No. 510).

He also, from the same committee, to whom was referred the bill (S. 2911) for the relief of the Columbus Gas and Fuel Company, reported it with amendments and submitted a report (No. 511) thereon.

Mr. DILLINGHAM, from the Committee on Immigration, to whom was referred the bill (H. R. 16515) authorizing the purchase of a steel ferryboat for use between Angel Island and San Francisco, Cal., and a steel cutter for use of immigration officials at San Francisco, Cal., reported it without amendment and submitted a report (No. 512) thereon.

Mr. WETMORE, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4242) providing for the erection of a public building at the city of Everett, in the State of Washington, reported it with amendments and submitted a report (No. 513) thereon.

Mr. PILES, from the Committee on Commerce, to whom was referred the bill (S. 6458) to authorize the Yellowstone Valley Steel Bridge Company to construct a bridge across the Missouri River in Montana, reported it without amendment and submitted a report (No. 514) thereon.

Mr. PILES. I report back favorably, without amendment, from the Committee on Commerce, the bill (S. 6539) to authorize the Copper River and Northwestern Railway Company to construct a bridge across Bering Lake, in the district of Alaska, and I submit a report (No. 515) thereon. On behalf of the Senator from Nevada [Mr. NEWLANDS] I ask for the present consideration of the bill.

Mr. SCOTT. I ask that it may go over.

The VICE-PRESIDENT. Objection is made, and the bill will be placed on the Calendar.

Mr. PILES. From the Committee on Commerce, I report back favorably without amendment the bill (S. 6540) to authorize the Copper River Railway Company to construct two bridges across the Copper River, in the district of Alaska, and I submit a report (No. 516) thereon. On behalf of the Senator from Nevada [Mr. NEWLANDS] I ask for the present consideration of the bill.

Mr. KEAN. Let the bill go over.

The VICE-PRESIDENT. Objection is made, and the bill will be placed on the Calendar.

#### PLEASANT M. CRAIGMILES, DECEASED.

Mr. FRAZIER, from the Committee on Claims, to whom was referred the bill (S. 4770) for the relief of the legal representatives of Pleasant M. Craigmiles, deceased, reported the following resolution, which was considered by unanimous consent and agreed to:

*Resolved*, That the bill (S. 4770) for the relief of the legal representatives of Pleasant M. Craigmiles, deceased, now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887. And the said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

#### FUNERAL EXPENSES OF THE LATE SENATOR WHYTE.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the following resolution, submitted yesterday by Mr. RAYNER, reported it without amendment, and it was considered by unanimous consent, and agreed to:

*Resolved*, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay from the contingent fund of the Senate the expenses incurred for Senators and officers of the Senate in attending the funeral of the late Senator William Pinkney Whyte, of Maryland, on March 19, 1908, including floral offering furnished.

#### PUBLIC LANDS IN WYOMING.

Mr. CLARK of Wyoming. I report back favorably, with amendments, from the Committee on Public Lands, the joint resolution (S. R. 66) providing for additional lands for Wyoming under the provisions of the Carey Act, and I submit a report (No. 505) thereon. I call the attention of my colleague to the joint resolution.

Mr. WARREN. The joint resolution is a short one, it concerns a local matter, and it is important that it should be passed at an early time. I ask for its present consideration.

The Secretary read the joint resolution, and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HEYBURN. I should like to call the attention of the Senator from Wyoming to the fact that the joint resolution which we passed February 22 has been reported favorably from the committee, amended in the House, including the lands called for in this joint resolution. I think, probably, the Senator's attention has not been called to it.

Mr. WARREN. My attention had been called to it, but it has not yet passed the House, nor has the Wyoming portion ever passed the Senate, and I desire that this joint resolution shall now pass the Senate to strengthen the matter the Senator has called my attention to as pending on the House side in the way of an amendment.

Mr. NELSON. I would call the Senator's attention to the fact that an amendment is necessary in the joint resolution because of the striking out of the preamble.

Mr. WARREN. The amendments are about to be read now.

The VICE-PRESIDENT. The Secretary will read the amendments of the committee.

The SECRETARY. On page 2, line 1, strike out the words "to be subject to the terms of said acts" and insert in lieu— and subject to the terms of section 4 of an act of Congress entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895, and for other purposes," approved August 18, 1894, and by amendments thereto.

Mr. BACON. I wish to suggest to the Senator from Wyoming that it is impossible for us to act intelligently upon this amendment unless we know something about the substantive proposition. I do not wish to unduly delay the proceeding, but if there is a report I would be glad to have it read. If not, I think the Senator, as it seems to be a matter which concerns a very large interest, should inform the Senate substantially what the purpose is.

Mr. WARREN. It is a matter that I assumed every Senator was duly acquainted with. It simply extends a law already existing so as to cover another million acres that may be re-

claimed under provisions of the existing laws. The amendment is simply to conform the reservations and stipulations of the original act and the supplementary act. If the Senator wishes to have the joint resolution go over I do not wish to press it.

Mr. BACON. No; I do not wish it to go over, but the Senator says that he supposes all Senators are familiar with the matter. Senators who live in the public-land States are naturally more familiar with legislation in regard thereto than those of us who do not. At the same time it is our purpose and our wish to vote intelligently.

Mr. WARREN. May I say to the Senator in short—

Mr. CLARK of Wyoming. Will the Senator from Georgia allow me a moment?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the senior Senator from Wyoming?

Mr. BACON. I do.

Mr. CLARK of Wyoming. I desire to say to the Senator from Georgia that, anticipating his inquiry and knowing that many Senators have not had their attention called to some of the parts of the various land acts, there is included in the report upon this particular joint resolution, which in itself is very short, a full synopsis of the act and the operations under it, together with a reprint of the law itself and the regulations of the General Land Office with relation thereto. I think the Senator will find that it is one of the most beneficial of all the acts we have ever passed.

Mr. BACON. I understand the Senator to say that the report is short.

Mr. CLARK of Wyoming. No; I say the joint resolution is very short. The report is very long, so as to inform the Senate generally of the operation of the law.

Mr. BACON. If other Senators understand it, I would not myself wish to stand in the way, but if other Senators have as little information on it as I have they are not in a position to vote upon it intelligently.

Mr. CLARK of Wyoming. We will be glad to give the Senator any detailed information on any particular feature.

Mr. BACON. I simply asked that the Senator's colleague should state the purpose, in brief, of the proposed legislation, in the absence of the reading of a long report.

Mr. WARREN. Mr. President, I will take just a moment.

Some years ago, in order to initiate the irrigation of arid lands, a million acres of the public domain was placed at the disposal of each of the arid-land States under the conditions that if the State granted to individuals or corporations the right to build reservoirs and ditches to reclaim such lands, then there might be settlers by authority of the State, settling as homesteaders upon the public land, paying nothing to the United States, but settling with the States and with those who brought on the water for the reclamation of the land.

It then required legislation on the part of the several States. Such legislation was had. For some years the matter moved slowly, but later on the lands were taken up, and in some States the supply of lands has been exhausted. We have already provided additional lands for Idaho in a similar joint resolution. Wyoming has exhausted so much of the million acres that pending applications will not only exhaust the remainder, but call for a portion of this proposed additional million acres.

This million acres belongs to the United States, and remains as it is until the State as such shall apply for certain tracts, backed up with maps and full directions and full information as to the reclamation of the land, so that the land only goes from the United States through the States to settlers after the water has been taken on the land and distributed.

The joint resolution merely adds another million acres, as has been done for Idaho, and under the same terms that every arid-land State has enjoyed as to the original million acres.

Mr. BACON. I will simply ask this question of the Senator.

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. WARREN. I yield. I am through.

Mr. BACON. The only effect of the joint resolution is to apply a different method by which settlers may get land. Am I correct in that?

Mr. WARREN. It is not different from what has preceded it.

Mr. BACON. I understand that.

Mr. WARREN. But it is to add another million acres to the bank account, if I may so call it, of the State to be drawn upon accordingly as settlers and reclaimers will present their claims.

Mr. BACON. But the land goes to the settlers and not to the State? That is the point I am after.

Mr. WARREN. Yes; eventually.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Committee on Public Lands.

The amendment was agreed to.

The next amendment was, on page 2, line 3, after the word "acts," to insert a comma, and also, after the word "acts," to strike out the words "to purchase."

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee striking out the preamble.

The amendment was agreed to.

#### BILLS INTRODUCED.

Mr. TELLER introduced a bill (S. 6626) providing for the condemnation for any public purpose of lands owned or held by the United States, which was read twice by its title and referred to the Committee on Public Lands.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 6627) granting an increase of pension to Thomas Hooper (with an accompanying paper); and

A bill (S. 6628) granting an increase of pension to Charles H. Mills.

Mr. CULLOM introduced a bill (S. 6629) granting an increase of pension to J. J. Funkhouser, which was read twice by its title and referred to the Committee on Pensions.

Mr. FRYE introduced a bill (S. 6630) granting an increase of pension to James K. P. Simpson, which was read twice by its title and referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 6631) to authorize certain extensions of the City and Suburban Railway of Washington, and for other purposes, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. FLINT introduced a bill (S. 6632) to amend section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. McCUMBER introduced a bill (S. 6633) granting an increase of pension to William W. Barton, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. STONE introduced a bill (S. 6634) authorizing the Court of Claims to hear and adjudicate the claims of Samuel Garland, deceased, against the Choctaw Nation, which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. MONEY introduced a bill (S. 6635) for the relief of heirs of C. H. Hicks, deceased, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

Mr. DIXON introduced a bill (S. 6636) for the relief of Bull Snake and Old Coyote, Crow Indians, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DANIEL introduced a bill (S. 6637) granting a pension to Marcelina Jerusha Cox, which was read twice by its title and referred to the Committee on Pensions.

Mr. BACON introduced a bill (S. 6638) for the relief of the Lutheran Church of the Ascension, of Savannah, Ga., which was read twice by its title and referred to the Committee on Claims.

Mr. TALIAFERRO introduced a bill (S. 6639) granting an increase of pension to Bartola Canova, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. FOSTER introduced a bill (S. 6640) authorizing appropriations for South Pass of the Mississippi River, or surveys thereon, to be used in dredging said river above the pass to secure 35 feet and suitable width, which was read twice by its title and referred to the Committee on Commerce.

#### AMENDMENTS TO APPROPRIATION BILLS.

Mr. LODGE submitted an amendment providing that after June 30, 1908, all clerks and draftsmen and classified civil-service employees whose compensation is based on a monthly or yearly rate, employed at United States arsenals, shall be granted thirty working days' leave of absence in each year, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment providing that after June 30, 1908, all clerks and draftsmen and classified civil-service employees whose compensation is based on a monthly or yearly rate, employed at United States arsenals, shall be granted thirty working days' leave of absence in each year, etc., in-

tended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

Mr. CULLOM submitted an amendment proposing to appropriate \$29,000 for the construction of a trunk sewer in the subdivision of North Columbia Heights, in the District of Columbia, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SCOTT submitted an amendment proposing to appropriate \$50,000 to enable the Secretary of War to erect in the United States National Cemetery at Mexico City, Mexico, a suitable monument to the memory of the United States soldiers who fought in the war with Mexico, etc., intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$10,000 to aid in the erection and completion of a monument or memorial at Point Pleasant, W. Va., to commemorate the battle of the Revolution fought at that point between the Colonial troops and Indians October 10, 1774, intended to be proposed by him to the sundry civil appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. CRANE submitted an amendment proposing to appropriate \$7,500 to complete the grading of Girard street, South Brookland, from Fourteenth street to Brentwood road, and macadamize Girard street, South Brookland, from Twelfth street to Brentwood road, intended to be proposed by him to the District of Columbia appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. NELSON submitted an amendment proposing to appropriate \$15,000 for the erection of a building for use of the Weather Bureau and for all necessary labor, materials and expenses, plans and specifications, etc., at the Minnesota State Agricultural College and Experimental Station, at St. Anthony Park, Minn., intended to be proposed by him to the agricultural appropriation bill, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

Mr. PERKINS submitted an amendment providing that the pay and allowances, except forage and mileage, which shall be governed by existing law, of all officers of the Navy and the Marine Corps shall be the same as the pay and allowances of officers of corresponding rank in the Army, etc., intended to be proposed by him to the naval appropriation bill, which was referred to the Committee on Naval Affairs and ordered to be printed.

#### SITES FOR PUBLIC BUILDINGS.

Mr. SCOTT submitted an amendment intended to be proposed by him to the bill to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, which was referred to the Committee on Public Buildings and Grounds and ordered to be printed.

#### AMENDMENT TO OMNIBUS CLAIMS BILL.

Mr. McCREARY submitted an amendment intended to be proposed by him to House bill 15372, known as the "omnibus claims bill," which was ordered to lie on the table and be printed.

#### REGULATION OF LIQUOR TRAFFIC.

Mr. BACON. I submit a substitute which is intended to be proposed by myself in behalf of the minority of the Judiciary Committee to the bill (S. 6576) to regulate the interstate-commerce shipments of intoxicating liquors, reported by the Judiciary Committee as a substitute for Senate bill 5151 and other bills to regulate interstate commerce in intoxicating liquors. As it relates to a matter of considerable interest, I ask that the proposed substitute may be printed in the RECORD without now being read.

The VICE-PRESIDENT. Without objection it is so ordered. The proposed substitute is as follows:

Substitute intended to be proposed by Mr. BACON, representing a minority of the Judiciary Committee, to the bill reported by the Judiciary Committee as a substitute for Senate bill 5151 and other bills to regulate interstate commerce in intoxicating liquors.

"Be it enacted, etc., That whenever any spirituous, vinous, malt, or intoxicating liquors of any kind shall, by being transported from one State or Territory or District into another State or Territory or District, or from a foreign country into any State or Territory or District, become a part of interstate or foreign commerce, said liquors are for all the purposes of this act hereby constituted a special class in such commerce subject to the regulatory powers of Congress, and are hereby declared to be, upon arrival at the place of consignment, within the borders of said State or Territory or District, and before delivery to

the consignee or other person claiming any title or interest in the same, subject in all particulars and to the fullest extent to the police powers of such State or Territory or District, and shall not be exempt therefrom by reason of being introduced in original packages or otherwise; *Provided*, That nothing in this act shall authorize any interruption of or interference with, by any State or Territory or District or its authority, the transportation of such merchandise from without such State or Territory or District to the place of consignment within such State or Territory or District: *And provided further*, That it shall be unlawful for any railroad company, express company, or other common carrier, or other carrier engaged in foreign or interstate commerce to deliver or offer to deliver to any person any of such liquors at any other point than the point of consignment, or to unnecessarily and unduly arrest the transportation of such liquors at any other point than the point of consignment, with the intent either directly or indirectly to violate the provisions of this act.

"SEC. 2. That whenever any spirituous, vinous, malt, and intoxicating liquors of any kind shall be or become a part of foreign or interstate commerce, it shall be unlawful for any railroad company, express company, or other carrier, or any officer, employee, or agent thereof, engaged in or in connection with the transportation of such liquors of any kind from one State or Territory or District into another State or Territory or District, or from any foreign country into any State or Territory or District, when such liquors are consigned to any point within a State or Territory or District where by the law of said State or Territory or District the sale of such liquors is prohibited, or restricted, to collect, either directly or indirectly, on or before or after delivery from the consignor or consignee, or from any other person, the purchase price or any part thereof of such liquors; and it shall be unlawful for any railroad company, express company, or other carrier, officer, employee, or agent thereof, engaged as aforesaid, in any manner, directly or indirectly, to act as the agent of the consignor or consignee, or of the buyer or seller of such liquors, for the purpose in any manner or degree of buying or selling the same, saving only in the actual transportation and delivery of the same and to the extent as provided in this act, subject in all cases to the full exercise of the police powers of the State or Territory or District into which such liquors are transported.

"SEC. 3. That it shall be unlawful for any railroad company, express company, or other carrier, officer, employee, or agent thereof, engaged as aforesaid, to accept for transportation, or to transport from any State or Territory or District into any other State or Territory or District, or from any foreign country into any State or Territory or District, spirituous, vinous, malt, or intoxicating liquors consigned to any fictitious person or to any fictitious name, or without consignment to some person, or after having so accepted or transported any such liquors consigned to any fictitious person or fictitious name, or without consignment to any person, to deliver the same to any person whomsoever except in pursuance of the requirements of the police regulations as aforesaid of the State or Territory or District into which said liquors are thus transported.

"SEC. 4. That every railroad company, express company, or other carrier as aforesaid, or any officer, employee, or agent thereof, who shall knowingly violate the provisions of this act or any part thereof shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than \$500 and not more than \$5,000: *Provided*, That any officer, employee, or agent of such company or carrier who shall be convicted as aforesaid shall, in addition to the fine herein provided for, be liable, in the discretion of the court, to imprisonment for a term of not less than one nor more than two years.

"SEC. 5. That nothing in this act shall be construed to authorize a State, Territory, or District to control or otherwise interrupt or interfere with the transportation of liquors intended for shipment entirely through such State, Territory, or District and not intended for delivery therein.

"SEC. 6. That every package containing any spirituous, vinous, malt, or intoxicating liquors of any kind when delivered to any carrier for shipment from any State or Territory or District into another State or Territory or District, or from any foreign country into any State or Territory or District, shall be plainly and distinctly marked with the names of the consignor and consignee, with name and quantity of the liquors contained therein, and the name of the place of shipment and of the place of consignment. And all packages of such intoxicating liquors and the contents thereof which shall be delivered to any carrier for shipment from one State or Territory or District into another State or Territory or District without having thereon the marks as required by this act shall be forfeited to the United States; and when shipped from any foreign country into any State or Territory or District without having thereon the marks, as required by this act, shall, upon arrival within the jurisdiction of the United States, be forfeited to the United States; and all such packages and the contents thereof shall be proceeded against, seized, and forfeited by due course of law. And every person within the jurisdiction of the United States who shall deliver to a carrier any such liquor or package of liquors for shipment from any State or Territory or District into another State or Territory or District without having thereon the marks, as required by this act, shall be guilty of a misdemeanor, and for such offense shall be punished by a fine of not less than \$100 and not exceeding \$1,000.

"SEC. 7. That all laws and parts of laws in conflict with the provisions of this act are hereby repealed."

Mr. BACON. I also ask that the proposed substitute be printed and that it lie on the table.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. BACON. I desire to state in this connection, as there is no minority report in this matter, that the substitute which I present is substantially the same as Senate bill 5151, there being only some amendments which are deemed by the friends of it essential to being incorporated thereon.

#### REPORT OF INLAND WATERWAYS COMMISSION.

Mr. PILES (for Mr. NEWLANDS) submitted the following concurrent resolution, which was referred to the Committee on Printing:

*Resolved by the Senate (the House of Representatives concurring), That there be printed and bound at the Government Printing Office 10,000 copies of the preliminary report of the Inland Waterways Commission, with illustrations, of which 5,000 copies shall be for the House of Representatives, 2,500 copies for the Senate, and 2,500 copies for the use of the Commission.*

## NATIONAL BISON RANGE.

Mr. DIXON. Mr. President, I should like to ask unanimous consent at this time for the immediate consideration of the bill (S. 6159) to establish a permanent national bison range.

Mr. KEAN. Let us have the regular order, Mr. President.

The VICE-PRESIDENT. The regular order is demanded. Are there further concurrent or other resolutions?

## PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had approved and signed the following act:

On April 13, 1908:

S. 4260. An act to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June 29, 1906.

## EMPLOYERS' LIABILITY BILL.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives:

House concurrent resolution 37.

*Resolved by the House of Representatives (the Senate concurring), That in enrolling the bill (H. R. 20310) relating to the liability of common carriers by railroads to their employees in certain cases, the enrolling clerk be directed to correct said bill by inserting in section 3, after the word "railroad," in line 2, the words "under or by virtue of any of the provisions of this act," so that said section 3 will read as follows:*

"SEC. 3. That in all actions hereafter brought against any such common carrier by railroad, under or by virtue of any of the provisions of this act, to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee."

Mr. HALE. I move that the Senate agree to the concurrent resolution.

The concurrent resolution was agreed to.

## INCREASE OF PENSIONS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15653) to increase the pension of widows of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recedes from its amendment to section 1 of the bill;

That the Senate recedes from its amendment on lines 14 and 15, page 2, of the bill;

That the Senate recedes from its amendment on line 20, page 2, after "six;"

That the Senate recedes from its amendment to the title of the bill;

That the House recedes from its disagreement to the amendment of the Senate in line 12, page 2 of the bill;

That the House recedes from its disagreement to the amendments of the Senate on lines 17, 18, and 19, page 2 of the bill; and agree to the same.

P. J. McCUMBER,

N. B. SCOTT,

JAS. P. TALIAFERRO,

*Managers on the part of the Senate.*

C. A. SULLOWAY,

H. C. LOUDENSLAGER,

CHAS. H. WEISSE,

*Managers on the part of the House.*

Mr. McCUMBER. As the report itself does not signify clearly what disagreements have been disposed of between the two Houses, I wish to state briefly what they are.

The Sulloway bill as it passed the House extended the benefits of the law raising widows' pensions from \$8 to \$12 per month to all those who were married prior to June 27, 1890. The Senate amended that portion of the bill by extending the privileges to all of those who were or should be married prior to the date of the enactment of the bill into a law. The Senate conferees receded from that proposition and this agreement leaves the bill in its original shape, that its benefits shall apply only to those who were married prior to 1890.

It is but fair to say that without this receding on the part of the Senate conferees it would have been impossible, in my opinion, to have secured a bill. The Senate, by its vote and also the Senate Committee on Pensions and the Senate conferees, believe that fixing any date other than the date on which the law should go into effect as a period of demarcation between the marriage of those who should be entitled to the benefits of the act and those who should be excluded would be illogical. As a matter of fact, it is well known that perhaps four-fifths of the soldiers were not married until after the close of the war, and those marriage ceremonies have been continuing up to the present time. So we could fix absolutely no date that we could say would be a logical date unless we were to consider the war widows alone.

Undoubtedly the Senate and the House will have an opportunity to pass directly upon that question after this bill shall have become a law, as unquestionably a new bill will be introduced for the purpose of extending its benefits so that it will include all those who were married prior to the passage and the approval of the act.

The other important feature is this: The House extended the benefits of the bill to the widows of the Spanish war who are now entitled to receive pensions. It will be remembered that those widows of soldiers who served in the Spanish war entitled to receive pensions of at least \$12 per month, under the present law, are those only who were married during the war or prior to the war, and the death of whose husbands was due to service origin. The Senate conferees recede from the Senate amendment, cutting out the provisions of the bill which apply to those widows. The number is comparatively few.

Those were the only important disagreements.

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. With pleasure.

Mr. NELSON. Do I understand that the bill now makes a flat rate of \$12 per month to all widows instead of \$8, as before?

Mr. McCUMBER. Yes; it simply changes the amount from \$8 to \$12 to all widows who were married prior to June 27, 1890, and it also leaves out the clause under the old 1890 law, which required them to show that they were receiving an income of less than \$250 a year.

Mr. NELSON. It repeals the property qualification.

Mr. McCUMBER. It repeals the property qualification.

Mr. NELSON. And makes a flat rate of \$12 a month.

Mr. McCUMBER. It makes a flat rate of \$12 a month.

The report was agreed to.

## MEMORIAL ADDRESSES ON THE LATE SENATORS FROM FLORIDA.

Mr. TALIAFERRO. Mr. President, I desire to give notice that on Saturday, May 2, immediately after the routine morning business, I shall ask the Senate to consider resolutions commemorative of the lives, character, and public services of my late colleagues, Hon. STEPHEN R. MALLORY and the Hon. WILLIAM JAMES BRYAN.

## COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

Mr. FORAKER. Mr. President, I ask that Senate bill 5729 may be laid before the Senate.

The VICE-PRESIDENT. The Senator from Ohio asks that the following bill be laid before the Senate:

The SECRETARY. Under Rule IX, the bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D, of the Twenty-fifth United States Infantry, who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

The VICE-PRESIDENT. Without objection the bill is before the Senate.

Mr. FORAKER. Mr. President, I have in my hand a clipping from a newspaper which indicates that there is a great deal of misinformation abroad in the land. This purports to be a dispatch from Washington announcing that I was to speak on the Brownsville matter, that my speech would occupy three days, and that it would be in the nature of a bitter attack upon the President of the United States and the Secretary of War.

This is the first time I was ever charged with making or contemplating a three days' speech. I indignantly deny that slander. Printed, as it is, it is a libel.

But more particularly, Mr. President, I desire to say that I have at no time had any purpose to attack the President or Secretary Taft in connection with this matter or in connection with any other matter. I have had no vengeance to seek and no occasion to seek any, I hope. In this whole matter I have simply

sought to present to the Senate, in so far as I might be able to do so, the facts in regard to this unfortunate affair.

I hope also, Mr. President, that I need not make any apology to the Senate for having reduced the remarks that I desire to make to manuscript or for using that manuscript. I seldom make a speech in that way, but when I do it is, in my own mind at least, a compliment to the subject I am to discuss.

I want to present this matter in as concise a way as I can and in as intelligent a way as I can and within limitations that will enable all who may so desire to find out the views I entertain with respect to it; that is to say, that my remarks will not be so long but that all may read who may care to read them. For that reason I have taken the trouble which, as Senators know, I seldom do take, of putting my views on paper, and I intend to make use of that paper, but I hope I may be able to do so without unduly wearying my colleagues.

Mr. President, before discussing the proposed legislation I desire to review and analyze the testimony that has been taken before the Committee on Military Affairs.

The resolution under which the investigation was had precluded the committee from considering the question of the authority of the President to make the order under which the troops were discharged without honor, and confined the committee to an investigation of the facts and a report of the same to the Senate.

The committee observed this direction. While this direction probably does not preclude me from discussing the constitutional right and power of the President to make such an order, yet I have fully discussed that subject on other occasions and do not for that reason care to repeat that argument now. I shall confine myself, therefore, in what I have to say at this time, as the committee did, to the facts, and it will be my endeavor to show the effect of the facts that have been established by the testimony that has been taken.

Before entering upon this labor, it may not be amiss to remark, in view of the many misstatements that have been made, that the purpose of this investigation has not been to embarrass the President or anybody else; nor has it been to make any capital of any kind, political or otherwise, against anybody or for anybody.

On the contrary, it has been solely to establish, if possible, who did the shooting at Brownsville on the night of August 13-14, 1906, and, if it should turn out that the shooting was done by any of the discharged soldiers of the Twenty-fifth United States Infantry, to identify, if possible, the particular individuals who were guilty of participating in such shooting, and to identify, also, if possible, any accessories either before or after the affray, and to ascertain, also, whether or not in any event there has been any so-called "conspiracy of silence" on account of which the men, or any of them, have withheld any information of which they may be possessed in regard to such shooting affray; and this has been done with a view to giving effect in a practical way to the suggestions of the President himself, who, in his communications to Congress on this subject, has stated in substance that if at any time it should appear that any of the men discharged were free from guilt with respect to the matter they might be exempted from the operations of the order of discharge without honor and be restored to any rights they may have lost on account thereof.

With this purpose in view, about sixty of the men discharged were called as witnesses, among them, in so far as they could be reached with subpoenas, the noncommissioned officers of the three companies, the men who were on guard duty that night, and every soldier with respect to whom there was the slightest cause to think he might have any knowledge that would be of any importance in establishing the purposes of the investigation.

The witnesses so called embraced, in so far as the committee were able to judge, all those noncommissioned officers and soldiers of the battalion who were in a situation to know, and who of necessity would have known, something of the facts of such a raid if the raiders were soldiers of the garrison.

The investigation has one unusual feature, in view of the character of it, that merits a word of explanation, and that is the fact that the men who were charged with guilt were first heard by the committee in their own defense, and then, after they had so testified, witnesses were called to show their guilt.

This grew out of the fact that the President acted, in making his order for the discharge of the men without honor, upon testimony submitted to him by the inspecting officers of the Army.

This testimony consisted of unsworn statements made by citizens of Brownsville immediately after the shooting affray occurred and by such statements as these inspecting officers felt warranted in making, based on their investigations at Brownsville and later at El Reno, to which post the battalion was removed a few days after the shooting occurred and at which post the battalion was stationed when the men were discharged.

This testimony and these official reports of the inspecting officers were thought to be, as a result of the discussion that occurred in the Senate, insufficient to warrant the action that had been taken in discharging the men.

In consequence, the President directed Mr. Purdy, an assistant to the Attorney-General, and Major Blocksom to visit Brownsville and retake the testimony upon which his action had been based in the form of affidavits.

Attached to this testimony were a number of exhibits, such as bullets, that were said to have been cut out of the houses of Brownsville, into which they were fired on the night of the affray; exploded shells and a number of cartridges that were found in the streets at points where the shooting had occurred, and a bandolier which was picked up on the route over which the raiders passed.

In addition, some testimony was submitted of experts and ordnance officers supporting the conclusion that had been arrived at that soldiers of the Twenty-fifth United States Infantry had done the firing.

This testimony was reviewed and submitted to the President by the Secretary of War as conclusively establishing the guilt of the men.

The President transmitted this testimony to the Senate, together with the report to him of the Secretary of War, and announced in his message of transmittal that, in his opinion, the testimony showed beyond a reasonable doubt the guilt of the men.

When, therefore, the Senate ordered the investigation, it was to give the men an opportunity to meet the case that had so been made against them. For that reason they were called first, and after they had testified in such numbers that every member of the committee was satisfied that to call additional witnesses from the soldiers was unnecessary in order to get all information that could be secured from that source, the taking of further testimony by the soldiers was suspended.

Thereupon, in order to again convict the men of the crime with which they had been charged, the same witnesses who had twice before testified were recalled and examined and cross-examined at great length before the committee together with other additional witnesses. After this testimony had been taken a number of officers of the battalion and some of the men were recalled in rebuttal.

So it is that in a most important case, involving in its various phases the charge of raiding, and the shooting up of the town, the commission of murder, assaults with intent to kill, perjury, and conspiracy to withhold testimony to screen the guilty of crimes amounting to felonies, punished with imprisonment in the penitentiary, we have the unprecedented spectacle of the men charged being required to appear and prove their innocence, and then to be again, for a third time, subjected to the accusative testimony upon which the whole case against them does and must of necessity rest.

While it may be said that this does not alter the truth, yet it remains that it is a violation of the practice that has been observed since the beginning of the common law for the protection of those who were charged with crime, and a practice that has for the accused in all cases where crime is charged only that reasonable advantage of fully advising the accused before he enters upon his defense of what it is that he is accused and with what testimony in all its details it is sought to establish such accusation. I do not mention this to complain about it, for the record will disclose to any unbiased man who may study it that, notwithstanding this disadvantage, and notwithstanding the many other disadvantages to which these men were subjected, they have given their evidence with such straightforward frankness and with such manifest truthfulness that, in my opinion, nothing remains to show their complete vindication except only the discovery of the real culprits, which time will surely make unless the adage that "murder will out" has ceased to be a truth.

It is necessary to an intelligent discussion of the testimony to make a brief explanatory statement as to the general situation at Brownsville on the night of the affray.

The Government reservation known as "Fort Brown" is situated on the bank of the Rio Grande River immediately opposite Matamoros, Mexico, and within the limits of the town of Brownsville, the principal streets and parts of which are immediately north of the reservation.

The reservation is bounded on the northern side by a brick wall some 4 or 5 feet in height at the point where the principal part of the shooting affray is alleged to have commenced.

The garrison consisted of three companies—B, C, and D of the Twenty-fifth United States Infantry, colored.

These were quartered in barracks that stood in a line 100 feet south of the reservation wall, so that the rear of the barracks looked out northwardly toward the town.

The main gate or entrance to the reservation opened out into Elizabeth street, which was the principal street of Brownsville.

These companies occupied separate barracks. D Company barracks stood to the left of the road leading out of the reservation through the main entrance into Elizabeth street; B Company barracks stood immediately to the right of this road, and C Company barracks stood next on the right of B barracks.

The barracks fronted on a parade ground, on the opposite side of which were the quarters of the officers, occupied on the night of the affray by Maj. Charles W. Penrose, the commanding officer of the battalion and the post; Captain Lyon, commanding Company D; Captain Macklin, commanding Company C; Lieutenant Lawrason, commanding Company B, and Lieutenant Grier, acting quartermaster and commissary of the post.

Parallel with Elizabeth street and 120 feet eastwardly from the same, in the middle of the block, is an alley, 20 feet in width, known in the testimony as "Cowen alley."

The mouth of this alley approaches the fort at a point about opposite the space between the B Company and C Company barracks.

Along the wall outside the reservation was a road 30 feet in width, called the Garrison road.

Along the wall inside the reservation were the sinks, coal houses, and other outbuildings of the barracks.

The barracks were two-story buildings, with lower and upper porches in rear along their entire length.

Each of these barracks was about 165 feet in length and 40 feet in width. The upper porch was only 12 feet above the ground.

The charge against the soldiers is that a few minutes before midnight, August 13, 1906, a squad, estimated by the different witnesses all the way from five or six to twenty, in pursuance of a carefully planned and preconcerted conspiracy to shoot up the town, in some way secured their guns from the gun racks, opened fire on the town from the upper porch of B barracks, then rushed down to the ground, and to the wall separating the reservation from the town, jumped over the wall at a point opposite the Cowen alley, proceeded northwardly along that alley a distance of two or three squares, shooting into the houses, hotels, and saloons, and at citizens on the streets, with the result that they fired probably from two to three hundred shots, killed a bartender of the Tillman saloon by the name of Frank Natus, killed the horse of the lieutenant of police, Dominguez, wounding him in his left arm, and did other damages of one kind and another; that at the corner of the alley and Thirteenth street, where the Miller Hotel is situated, the squad divided, one portion of it going east on Thirteenth street to Washington street, the next street east of Elizabeth street, where they fired a number of shots into the house of a revenue deputy by the name of Stark; that after this, which was the last of the firing, they returned to the fort and joined their companies without being detected by their officers, who were at that time wide-awake and engaged in the formation of the companies.

Finally, under the stress of circumstances, it was further charged that, in the nature of things, it was impossible for such a squad of soldiers to plan and execute such a conspiracy without many, if not all, of the other members of the battalion having knowledge which, if disclosed, would identify the particular individuals who participated in the shooting, and that the inability of the inspection officers and others to secure any such information was to be attributed to a conspiracy of silence into which all having such knowledge, whether few or many, must have entered.

The gradual evolution of this last charge is interesting, suggestive, and instructive.

It had its inception, so far as the record discloses, in the following passage from the report of Major Blocksom, dated at Brownsville, August 29, 1906:

The officers appeared to be trying to find the criminals, but it is certainly unfortunate for the reputation of the battalion that they have as yet hardly discovered a single clue to such a terrible preconcerted crime, committed by so many men.

I believe the battalion had an excellent reputation up to the 13th of August, but the stain now upon it is the worst I have ever seen in the Army.

Many of its old soldiers who had nothing to do with the raid must know something tangible as to identity of the criminals. If they do not disclose their knowledge, they should be made to suffer with others more guilty, as far as the law will permit. If satisfactory evidence concerning the identity of the criminals does not come from members of the battalion before a certain date to be fixed by the War Department, I recommend that all enlisted men of the three companies present on the night of August 13 be discharged the service and debarred from reenlistment in the Army, Navy, or Marine Corps.

This suggestion, without the help of any further testimony, took definite form in the order of October 4, 1906, issued by the Assistant Secretary of War, directing General Garlington to make an investigation, in the following language:

The President authorizes you to make known to those concerned the orders given by him in this case, namely: "If the guilty parties can

not be discovered, the President approves the recommendation that the whole three companies implicated in this atrocious outrage should be dismissed, and the men forever debarred from reenlisting in the Army or Navy of the United States."

And in this connection the President further authorizes you to make known to those concerned that unless such enlisted men of the Twenty-fifth Infantry as may have knowledge of the facts relating to the shooting, killing, and riotous conduct on the part of the men with the organizations serving at Fort Brown, Tex., on the night of the 13th of August, 1906, report to you such facts and all other circumstances within their knowledge which will assist in apprehending the guilty parties, orders will be immediately issued from the War Department discharging every man in Companies B, C, and D, of the Twenty-fifth Infantry, without honor, and forever debarring them from reenlisting in the Army or Navy of the United States, as well as from employment in any civil capacity under the Government.

The time to be given to the enlisted men of Companies B, C, and D, Twenty-fifth Infantry, for consideration of this ultimatum will be determined by you. If, at the end of the time designated, the facts and circumstances of the occurrence in question have not been established sufficiently clear to indicate a reasonable certainty of securing a conviction of the guilty parties by evidence obtained from enlisted men of the first battalion, Twenty-fifth Infantry, you will report the condition by wire to The Military Secretary.

General Garlington made his investigation, therefore, with this thought before him, but made no further progress than to suggest in a vague sort of way that the men had "possibly" come to a common understanding that they would not give any information of which they might be possessed that would lead to the identification of any of the raiders.

On this point he said in his report that all the men denied guilt, or guilty knowledge, but that these denials—

indicated a possible general understanding among the enlisted men of this battalion of the position they would take in the premises—

And I call the attention of Senators particularly to this—but I could find no evidence of such understanding.

No evidence that there was any conspiracy of silence. I emphasize that, because that, you will discover as we proceed, is an important part of this case in so far as there is any case left.

Upon this report, without an iota of additional testimony—in other words, upon the mere suggestion of General Garlington and others that an agreement to withhold testimony had been entered into among the men, of which General Garlington was careful to say he had found no evidence—the President ordered all the men discharged.

Of that which was only "possible," in the opinion of General Garlington, and of which he "could find no evidence," the President, without any additional testimony, became so thoroughly convinced by the time he felt it necessary to defend his action that in his message to the Senate of December 19, 1906, he said:

A blacker crime never stained the annals of the Army. It has been supplemented by another, only less black, in the shape of a successful conspiracy of silence for the purpose of shielding those who took part in the original conspiracy of murder.

At another point in that same message he said:

Yet some of the noncommissioned officers and many of the men of the three companies in question have banded together in a conspiracy to protect the assassins and would-be assassins who have disgraced their uniforms by the conduct above related. Many of these noncommissioned officers and men must have known, and all of them may have known, circumstances which would have led to the conviction of those engaged in the murderous assault. They have stolidly, and as one man, broken their oaths of enlistment and refused to help discover the criminals.

A charge as to which, by the latest official report laid before the President, it was said there was no testimony whatever. Although diligently searched for, the inspecting officers of the Army had been unable to find any testimony.

In his message to the Senate of January 14, 1907, after the Purdy testimony had been taken and the President felt called upon to further defend his action, he said:

The testimony of the witnesses and the position of the bullet holes show that fifteen or twenty of the negro troops gathered inside the fort and that the first shots fired into the town were fired from within the fort—some of them, at least, from the upper galleries of the barracks.

It is out of the question that the fifteen or twenty men engaged in the assault could have gathered behind the wall of the fort, begun firing, some of them on the porches of the barracks, gone out into the town, fired in the neighborhood of 200 shots in the town, then returned—the total time occupied from the time of the first shots to the time of their return being somewhere in the neighborhood of ten minutes—without many of their comrades knowing what they had done.

Indeed, the fuller details as established by the additional evidence taken since I last communicated with the Senate make it likely that there were very few, if any, of the soldiers dismissed who could have been ignorant of what occurred. It is well-nigh impossible that any of the noncommissioned officers who were at the barracks should not have known what occurred.

This so-called "Purdy testimony" was given by the citizens of Brownsville, and was largely but a repetition of the testimony given previously, though not given under oath. It did not embrace any testimony of the soldiers, or of anybody, in regard to a withholding of knowledge by the soldiers, and there was no pretense on the part of anyone that any evidence had been dis-

covered since General Garlington's report to indicate, much less establish, a conspiracy of silence, and at that time he officially reported that he could find no evidence whatever of any conspiracy of silence.

But whether justified or not, the men were finally charged with—

1. The organization of a conspiracy to shoot up the town.
2. That the squad which did the shooting necessarily had a number of accessories both before and after the fact.
3. That the first shots were fired from the upper gallery of B barracks.
4. That other shots were fired from within the reservation.
5. That the raiders then jumped over the wall and committed the outrages mentioned, returned to quarters, and joined their companies without the detection of any of them by their commissioned officers.
6. That of necessity such a conspiracy could not have been formed and executed without many, if not all, of the enlisted men, particularly the noncommissioned officers, having knowledge, which, if disclosed, would lead to the identity of the raiders, and that the refusal of the men to disclose such information was evidence of a conspiracy of silence to defeat the ends of justice.

#### EVIDENCE AGAINST THE SOLDIERS.

The testimony to support these charges consists of two classes—so-called "eyewitnesses," who testified to their personal observations, and circumstantial evidence, such as the finding of cartridges, exploded shells, and so forth, at the places where the firing was done.

We are told in the majority report that there were fifteen witnesses who saw the men who did the firing and recognized them as soldiers from the garrison. Most of these witnesses have testified four different times—

First, before the citizens' committee a day or two after the shooting occurred.

Second, before the grand jury of Cameron County, in which Brownsville is situated.

Third, before the Penrose court-martial, and finally before the Senate Committee on Military Affairs.

Their testimony so given is sufficiently contradictory to show that it is unreliable.

But, aside from the contradictions on account of the darkness of the night, many things that were testified to by these witnesses could not have possibly been observed by them.

There were no artificial lights in the Cowen alley and no light of any kind in the reservation, except at the main gate, 120 feet distant from the mouth of Cowen alley.

In all the immediate neighborhood of the points where, according to all the witnesses the first shots were fired, whether inside or outside the reservation, it was as dark as a very dark night could make it.

These witnesses testified that hearing the firing they went to their windows, looked out into this darkness, and at a distance ranging all the way from 30 up to 150 feet saw the firing party and recognized them as soldiers from the garrison by the color of their faces, by the uniforms they wore, and the guns they carried.

It is unnecessary to go over this evidence in a detailed way, for, conceding for the sake of argument that the witnesses undertook to testify truthfully, the flimsy and unreliable character of the whole of it is fairly indicated by the testimony of the four principal so-called "eyewitnesses."

Without their testimony there is no credible evidence whatever to support the charge that the first shots were fired from the barracks or from any place within the reservation or that there was any jumping over the wall by anybody.

Without the testimony of these four witnesses the testimony of the officers and the men of the battalion that the shooting commenced at some point outside the reservation stands practically uncontradicted.

These witnesses were George W. Rendall and his wife, Jose Martinez, and J. P. McDonel.

Rendall and his wife lived in the upper story of a building that stood on the corner of Elizabeth street and the Garrison road.

Their front windows looked out over the reservation. Rendall testified that he was awakened by the first shots that were fired; that he went to his window and looked out over the reservation to see what was occurring; that while he was looking to his right, in the direction of the barracks occupied by D Company, he heard a shot to his left which sounded as though it had been fired from some point in the reservation; that thereupon he turned his head to the left to look in the direction from which the sound came, and saw two other shots fired in succession; that they were fired from somewhere near

the east end of B Company barracks, and that the piece from which these shots were fired, whether a gun or a revolver, seemed to be pointed upward, for the shots seemed to be fired into the air. He then saw and heard men moving toward the wall at a point in front of the mouth of Cowen alley, and saw and heard them jump over the wall at that point.

On further examination and cross-examination the witness stated that he was 72 years of age; that he was totally blind in one eye; that he had been for a generation [laughter], and that his sight from the other had been so far impaired that he had been compelled to wear glasses for many years.

Before the Penrose court-martial he testified that when he was awakened and got up and went to the window he put on his glasses and therewith saw what he narrated.

Before the Senate committee he said he desired to change that statement; that on reflection he had come to the conclusion that he did not wear his glasses while making the observations about which he testified, but he claimed that at night his sight was better without glasses than with them.

But passing by all these damaging features of his testimony and giving credence to what he says, the shots he saw fired were doubtless those fired by the sentinel, who testifies that after the first fusillade of shots he passed between B and C barracks to the front line, where, facing toward the parade ground, he held his piece in the air and fired upward three shots in succession, calling out after each shot, "Corporal of the guard—number two." That was the kind of signal which under such circumstances he was required to give.

Rendall was in a situation to have seen other shots, if any had been fired. He did not see any others.

His testimony that he saw a body of men after these shots move toward the wall and heard them jump over into the Garrison road is simply incredible, because the uncontradicted testimony of all the witnesses is that the night was one of such unusual darkness that without the aid of artificial light it would have been impossible for a man with good eyes to have seen what he described at a distance of 150 feet, which was approximately the distance at which he claims to have witnessed this occurrence, or at 100 feet or at 50 feet or with any degree of certainty at even 20 feet.

But on this point Mr. Rendall is contradicted by the witness McDonel, who lived in that immediate neighborhood and who testified that when the first shots were fired he ran out on to the street and to a point only a few feet from the mouth of the Cowen alley, and that he saw the men who did the firing pass into the alley and saw them engaged in firing into Cowen's house one square away.

He says these men did not come from over the wall, but from Elizabeth street, and that he was in a situation to have seen them if they had come over the wall, and that nobody did cross the wall.

Jose Martinez claims that he was sitting in the front part of a room occupied by him at the corner of the alley and the Garrison road near where the firing commenced; that immediately—"instantaneously," to use his exact language—he put out his light and threw himself on the floor and remained there for probably thirty minutes, or even longer, until the firing had all ceased.

At one point in his testimony he claimed to have looked out at his back window, although his position on the floor made that impossible, and to have seen the raiders pass up the alley toward the Cowen house, and that he recognized them as soldiers, although he could not see their faces.

On all these points he flatly contradicted himself.

Mrs. Rendall saw nothing except some men passing through the reservation shortly after the firing commenced from the direction of D barracks toward the point in the reservation opposite the Cowen alley. She did not see them jump over the wall, nor hear them jump over the wall, nor pretend to see any firing within the reservation beyond a single flash which she could not locate. She did not even see the two shots about which her husband testified.

Other contradictory statements might be cited, but it is unnecessary to add to those already given. They are sufficient to show that these witnesses, on account of the darkness and the excitement, made only the most imperfect observation and were unable at the different times they testified to recall them with accuracy or in such a way as to clearly establish anything which they testified to, except only that somewhere in their locality the firing commenced by which they were aroused, and that almost immediately afterwards the call to arms was sounded, the different companies were formed, and they saw bodies of men moving in different directions within the reservation, all of which, in a general way, is entirely consistent with what did in fact happen.

That the testimony of these so-called "eyewitnesses," aside from the many contradictions by themselves and by one another, was entirely unreliable is shown by the testimony of all the officers and the many other witnesses who testified as to the darkness of the night and the impossibility of recognizing individuals at any distance without the help of artificial light.

Major Penrose testified that he could not distinguish one of his white officers from one of his colored enlisted men at a distance from him of 10 feet, and at that distance he could tell nothing about how anyone was dressed.

Every other officer of the battalion testified to the same general effect—giving instances of inability to make personal recognition at the distance of from 5 to 10 feet.

In addition to this testimony there is in the record the testimony of a number of officers of other companies, based on actual experiments, that the flashes of the guns from the firing of them would not make a light from which anyone could be recognized and that it is utterly impossible without the aid of artificial light to tell anything about a firing party at any distance in the dark.

There were two or three witnesses who claimed to have seen the raiders by the aid of artificial light.

The chief of these was Paulino Preciado, the editor of a newspaper published in the Spanish language, called "El Porvenir." His testimony on this point already before the committee was in flat contradiction of his testimony before the Cameron County grand jury and in flat contradiction of the statement he published in his paper immediately after the shooting.

Besides these contradictions, which were sufficient to cause Secretary Taft to discredit him, he had pending in the State Department at the time when he testified before the Senate committee a claim against the United States Government for \$10,000 damages alleged to have been sustained by reason of a claim that he had been slightly wounded.

But he was further contradicted by the fact that one of the bullets fired into the saloon where he was passed through the window and lodged in a post in front of Crixell's saloon on the opposite side of the street, which was subsequently extracted and found to be not an Army bullet with a metallic case, but a lead bullet of different composition from those which the soldiers were furnished with.

In the whole evidence from beginning to end there is not a particle of testimony from any so-called eyewitness that is not either contradicted by the witness himself or by some other witness or which is not shown by uncontradicted testimony as to the effect of darkness on the vision to have been unreliable if not impossible.

If Senators would know how difficult it is to recognize anyone in the nighttime they have only to stand on the sidewalk anywhere here in Washington at night and undertake to recognize some one passing only so far distant from them as across the street. Unless they come under the rays of artificial light or in some other way are aided they will find it is impossible to tell whether a man is white or black or anything about how he is dressed.

Since this testimony has been on my mind to such an extent, almost every night as I pass along the streets I find myself experimenting in this way, looking to see at a distance if I can recognize whether a man whom I see moving is a white man or a colored man or how he is dressed. I ask every Senator here to experiment in that way. It is no trouble. It is rather interesting, and when you have thus experimented for yourself you will be able to set aside all this so-called testimony of "eyewitnesses," for there is not one of them who was in a situation where he could tell anything at all that was reliable, and the cross-examination of every one of them disclosed that there was nothing reliable about the testimony that he gave in that particular.

#### CIRCUMSTANTIAL EVIDENCE.

The most damaging testimony against the soldiers, when taken without explanation, was the finding in the alleys and streets where the firing occurred of exploded shells, clips, cartridges, etc.

It was the production of these shells and clips and cartridges by Mayor Combe and his report to Major Penrose that they had been picked up in the streets at points where the firing occurred that caused Major Penrose and his officers to think that their men must have done the firing.

These exploded shells show by their stamp that they were manufactured by the Union Metallic Cartridge Company, that they were Army shells, and that they were manufactured in the month of December, 1905.

The bullets cut out of the houses into which they were fired that night bear marks indicating that they might have been fired out of Springfield rifles, and upon analysis were found to

have been the same kind of a bullet which the Union Metallic Cartridge Company was manufacturing in the month of December, 1905, and supplying to the Army.

But this testimony, in connection with other facts established, became testimony for the soldiers, instead of against them, as I shall undertake to show when I come to discuss this particular evidence as a part of the case made in favor of the men.

#### MOTIVE.

The case against the soldiers fails in another important particular. No adequate motive—in fact, no motive whatever—is shown for such an assault upon the town.

There is an attempt to show that they had a motive in the fact that they were debarred from drinking with the white people in the saloons of Brownsville; that one of their number—a man by the name of Newton—was brutally assaulted, knocked down with a revolver, and painfully injured without any sufficient justification or excuse, and that another soldier, by the name of Reed, when returning from Matamoros was pushed into the water by a customs officer on account of some trifling misbehavior.

The evidence shows that the soldiers frequented the saloons but very little, and that they never made any complaint to their officers or to anybody else on account of being debarred by some of the saloons of Brownsville from drinking at the same bar with white people.

On the contrary, the testimony shows positively that they did not make any such complaint.

Both Major Blocksom and General Garlington report that they did not hear any complaints on that account, and that the men, one and all, whom they interrogated, insisted that they did not harbor any resentment by reason of that fact.

The testimony further shows that a few of the saloons did not allow the soldiers to enter; that a few others provided separate bars for their accommodation; that quite a number of saloons, especially those kept by Mexicans, did not discriminate in any way, but gave to the soldiers the same accommodations they gave to the citizens.

The testimony shows that the Tillman saloon, where Frank Natus was the barkeeper, provided a separate bar and accommodated the soldiers in such a way that no one of them ever made the slightest objection on account of the treatment they received.

If the soldiers had shot up the town on account of discrimination against them by the saloons, it is reasonable to suppose they would have shot into saloons that did not allow them to enter, rather than into a saloon—for the Tillman saloon is the only one they did fire into—where they were provided with accommodations to which they had never taken any exception.

It would seem more reasonable to suppose that if the shooting of Natus had any reference to the treatment of the soldiers by the saloons, that he was killed by somebody who objected to the saloons accommodating the soldiers rather than by the soldiers who were accommodated. It seems to me that is a self-evident proposition.

But, however that may be, there is no excuse for saying that the soldiers had, as a motive for shooting up the town, discrimination against them by the saloons, except only as it is deduced as a conclusion that because they were debarred from some of them they were angry and revengeful toward the whole town, and this deduction seems absurd, in view of the fact that although the town was well supplied with saloons, yet they spared all except only one where they had been given accommodations that were at least reasonably satisfactory.

As another evidence that the soldiers were seeking revenge, Major Blocksom reported that the house of the deputy customs officer, Starck, which was fired into, stood next door to the house occupied by the deputy customs officer, Tate, who assaulted Private Newton, and that it was doubtless fired into by mistake, the soldiers thinking they were firing into Tate's house instead of into Starck's house.

There is no testimony to justify such a conclusion except only the fact that the major reasoned, or thought he did, that because Newton had been assaulted by Tate he and his companions desired to revenge Newton's wrongs by shooting into Tate's house in the hope they might kill him or some member of his family.

The fact did not interfere with the mental operations of the major in reaching this conclusion that there was not one scintilla of testimony to show that Newton or any other soldier of the battalion knew that Tate had a house, or on what street it stood, or at what point on any street it stood. Nor is there any testimony whatever to show that Newton knew who the man was who struck him except only as he was told subsequently by Captain Macklin, commander of his company, who undertook to investigate the matter, that he had learned that he had been knocked down by a United States

customs officer by the name of Tate. There is no testimony to show that Captain Macklin, or anybody else connected with the battalion, had any knowledge whatever as to the location of Tate's residence or whether he had any residence.

But if the knocking down of Newton, with the revolver, by Tate was a sufficient motive to account for the shooting up of the town, and an attempt to shoot up the house of Tate, which was prevented only by a mistake of Starck's house for Tate's house, then there was an equally good and better founded reason for supposing that Starck's house was fired into not by soldiers, but by others who had a sufficient cause for firing into it, but who were sufficiently well acquainted with the location of Starck's house not to make any mistake in regard to it.

The testimony shows that Starck had during his service made more than 600 arrests of smugglers and other violators of the law and that some months before this shooting affray he had, in the discharge of his duty as a deputy customs officer, undertaken in the nighttime to arrest a smuggler who was landing on the Texas side at a point near Brownsville.

The smuggler undertook to escape. Starck commanded him to halt, but he kept up his flight. Starck pursued him in the darkness until coming close upon him the smuggler turned to resist, when Starck knocked him down and severely injured him by striking him over the head with his revolver in practically the same way Newton was felled. When Starck took the man in custody he discovered that the smuggler was an inhabitant of Brownsville by the name of Avillo, whom he knew well, and who, Starck says, was well acquainted with his premises; that he had worked for him at his house. Starck says this man whom he thus arrested was taken before the commissioner, where he was bound over to await the action of the grand jury; that he forfeited his bond and was a fugitive from justice at the time when this shooting affray occurred.

It is far more reasonable to suppose that the men who shot into Starck's house were men who were avenging the supposed wrongs of Avillo, and possibly of themselves, rather than soldiers from the garrison trying, by shooting into Starck's house by mistake, to avenge the wrongs of Newton.

This is confirmed by the fact that Newton is shown by the testimony to have been on guard duty the night of the affray, and to have been off post and asleep in the guardhouse when the shooting commenced.

It is hardly probable that his companions would have gone out to shoot up the town on his account without him accompanying them or without him having knowledge of their action and purpose, and it is extremely improbable that while they were engaged in such a work, if he had knowledge thereof, he would have been calmly and soundly sleeping while they were thus avenging his wrongs.

So far as the trouble with Private Reid is concerned, it was of too trivial a character to merit any attention. Reid himself did not make complaint of his treatment when he reported the occurrence to his captain, but, on the contrary, according to the testimony of Captain Macklin, laughingly remarked that he "got about what he deserved."

Moreover, the trouble with Reid occurred only the night before the affray. There was hardly time left after its occurrence for forming the "carefully preconcerted, well-planned conspiracy," to use the language of Major Penrose.

It may be safely concluded, therefore, that the trouble with Reid did not furnish any motive for what occurred.

#### DOMINGUEZ.

Neither is there any weight in the suggestion that the firing upon Dominguez, the lieutenant of police, shows a motive for the soldiers avenging themselves upon the peace officials of the municipality, for the testimony shows that during the entire time the soldiers were at Brownsville their conduct was exceptionally good; that there was but one arrest by the police, and that was for so trivial a matter that the soldier was released without any punishment.

There is no testimony whatever to show that the soldiers had been interfered with in the slightest degree by any of the police officials of the town.

On the contrary, the testimony of all the police officials is that there was no occasion for them to make any arrests or to interfere in any way with the soldiers, who appeared to have deported themselves with exceptionally good conduct.

It does appear, however, that Dominguez was an efficient officer of many years' service and very popular with the citizens of Brownsville, because of the faithful and efficient manner in which he had handled criminals in the discharge of his official duties.

It appears that during his long service he had made many arrests, and that in some instances he had found it necessary

to resort to force in arresting and handling disorderly characters, and that in at least one instance he had found it necessary to take life.

If the suggestion is warranted that the raiders fired upon Dominguez for the purpose of avenging themselves upon him, it would seem far more natural and reasonable to suppose that he was fired upon by those who had cause, real or imaginary, for seeking revenge rather than by those who had no such cause. There is no word of testimony to show that any soldier of the battalion had ever so much as even heard of Dominguez, let alone that they had any cause to injure or molest him in any way.

In this connection there is much also in the testimony about a story being circulated among the people of Brownsville on the day of the assault that on the preceding evening a Mrs. Evans, who resided near the garrison, was assaulted by one of the soldiers, who seized her by the hair and threw her to the ground and then ran away.

#### THE MRS. EVANS STORY.

There is no sworn testimony in all the record to show that any such assault occurred, but an abundance of evidence to show that on account of the circulation of this kind of a story there was great excitement among the people of Brownsville on Monday, August 13, and that in consequence such an ugly spirit was manifested with respect to the soldiers that Mayor Combe felt it his duty to visit Major Penrose at the garrison about 5 o'clock that afternoon and warn him not to allow any of his soldiers to be in Brownsville that night, telling him in that connection if any of them should appear on the streets of Brownsville that night he would not be responsible for their lives, or words to that effect.

In consequence, Major Penrose issued an order canceling all passes and requiring all his men to return to quarters by 8 o'clock that evening and to remain in quarters during the night.

There is no testimony to show that any of the men knew why this order was issued, and no pretense of any testimony that any of the men resented it or expressed dissatisfaction on account of it in any way whatever.

The Evans incident, therefore, instead of furnishing a motive for the shooting up of the town by the soldiers, only furnishes a motive for shooting up the soldiers by the citizens.

That there was no motive appears from the further fact that all the soldiers who had any difficulty or trouble of any kind while in Brownsville belonged to C Company.

No one connected with either of the other companies had the slightest trouble of any nature.

The testimony, as I shall point out later, shows conclusively that C Company could not, in all probability, have participated in the shooting.

It is not likely that men from B and D Companies would have shot up the town for the purpose of avenging the wrongs of members of the other company; certainly not without members of C Company—those who were injured, or somebody in their behalf—joining in the raid.

It is from considerations and conclusions of the character named and suggested that it is impossible for me to find sufficient testimony in the record to warrant the finding that some of the men of the battalion "did the shooting."

And this is true, considering only that which may be called testimony against the soldiers.

#### TESTIMONY FOR THE SOLDIERS.

Coming now to the testimony in their favor, we have in the first place a presumption of innocence. This is not merely sentiment. It is an element of every case that possesses substance, and should have effect.

In the case of *Coffin v. The United States* (156 U. S., p. 454), Mr. Justice White, speaking for the court, cited authorities tracing a recognition of this presumption from Deuteronomy to the latest law writer on the subject. He cited with approval the following language employed by Lord Gillies in *McKinley's case*, decided in 1817:

I conceive that this presumption is to be found in every code of law which has reason and religion and humanity for a foundation. It is a maxim which ought to be inscribed in indelible characters in the heart of every jurymen; \* \* \* to overturn this there must be legal evidence of guilt carrying home a degree of conviction short only of absolute certainty.

He further quotes with approval from *Wills on Circumstantial Evidence*, as follows:

In the investigation and estimate of criminatory evidence there is an anticipated *prima facie* presumption in favor of the innocence of the party accused grounded in reason and justice not less than in humanity and recognized in the judicial practice of all civilized nations; which presumption must prevail until it be destroyed by such an overpowering amount of legal evidence of guilt as is calculated to produce the opposite belief.

Other authorities might be cited of the same general character without limit.

#### CHARACTER OF THE MEN.

In addition to this presumption there is in favor of the soldiers their character both as men and soldiers.

Not one of these three companies had a stain on its record. They were orderly, well behaved, well disciplined, and well drilled. They had never given their officers any trouble.

Such is the testimony of every officer, both of that regiment and of every other, who testified on the stand and who had knowledge of their character as soldiers and as men.

Major Penrose testified that they behaved themselves well before their discharge without honor and since then.

General Garlington testified that although the Government had every man under surveillance up to the time he testified, from the time of their discharge not one has been found guilty of any bad conduct, although turned out of the Army in disgrace.

Gen. Andrew S. Burt, who commanded the regiment for ten years, testified that they were all worthy to be believed on their oaths. He said:

I would believe them if I were sitting on a court-martial and they were called in their own defense.

He gave them the highest character both as men and as soldiers.

Captain Macklin testified that they were peaceable, orderly, well behaved; that they drank much less than white soldiers; that there was very little trouble on pay day, and comparatively few arrests.

Captain Lyon testified in an equally complimentary way.

Victoriano Fernandez, policeman, testified that his beat was on Elizabeth street, the principal street of the town; that it led directly from the fort; that he saw the soldiers every day passing to and fro, and that in all the time they were there he never saw one of them drunk or disorderly, and that he had no occasion to make any arrests.

This good character and good conduct and good discipline should greatly strengthen the presumption of innocence in their favor, for it is not likely that men of such character would engage in such an affray as that which occurred at Brownsville; certainly not unless they had some positive and adequate motive of an unusual and exasperating character, and that, the evidence clearly shows, they did not have.

#### TESTIMONY OF SOLDIERS.

In the next place, there is the testimony of the soldiers themselves as to their innocence.

In one form or another these men have all expressed themselves under oath, and in no case is there any contradiction whatever in the testimony of any one of them upon any essential point.

Every man, in giving his testimony, spoke from his personal knowledge, for each one of them knew whether or not he participated in the affray, and each one of them knew where he was when the affray commenced, while it was in progress, and when it was ended, and, without exception, each man has given a clear, straightforward account of himself in these particulars.

The statements so made by these men are believed by their officers, who testified that, with few exceptions, they are truthful and to be believed.

These officers knew these men better than anybody else. They were in a better situation than anybody else to determine what credence should be attached to their statements. All these officers are satisfied that these statements of their men as to where they were and that their statements that they were not among the raiders are truthful.

To refuse to believe them is to assert, as said in the minority report:

That as fine a body of soldiers and as truthful, according to all their officers, as can be found in the entire Army are conspirators, murderers, and perjurers, and all this upon the uncertain, unreliable, and contradictory statements of witnesses who did not pretend to give personal knowledge, but only conclusions based upon what was necessarily uncertain observations.

But these soldiers are confirmed, not only by the circumstances and probabilities, but also by facts of the weightiest character.

Within a few moments after the firing commenced the sentinel on guard gave the alarm required to be given under such circumstances by firing his piece in the air three times and calling out after each shot for the corporal of the guard.

Major Penrose, who had retired, but was yet awake, immediately ordered the sergeant of the guard to sound the call to arms. This call to arms and the firing instantly awakened the whole garrison. Excitement and more or less confusion followed. The formation of the companies was ordered. The sergeant in charge of the gun racks of Company C refused to open them until he had an order from a superior officer.

This led, after some minutes of delay, to an order from Major Penrose to break open the gun racks.

On account of this delay C Company was not formed until some minutes after the firing had ceased, but the other companies were formed immediately after the call to arms was sounded.

The roll was called in B Company. It was still in progress, but almost concluded, when the firing ceased. Every man of the company was present or accounted for.

D Company was quickly formed, and the men were verified by a personal inspection by Captain Lyon. Not a man was missing from the ranks who was not accounted for.

The officers of these companies testified that while such a thing was possible as that some of the men might have participated in the shooting and then returned and joined their companies without detection, yet they do not believe that any such thing occurred, or that it could have occurred without the men being detected.

Later that night, after Mayor Combe notified Major Penrose that the men were charged with doing the shooting, the men were again verified, and every man was satisfactorily accounted for.

The following morning, as soon as it was light enough to see and to make an inspection, the guns were carefully inspected, and the ammunition was verified, with the result that not a cartridge was missing and not a dirty gun was found. Every one was as bright and clean as it had been found two days before at their regular weekly inspection.

There is much testimony in the record as to whether or not in the nighttime, and without artificial light, the men could have cleaned their guns if they had used them on the raid so as to have them free from any indication of use.

The overwhelming weight of this testimony is that it is a difficult matter to clean these rifles; that it requires from fifteen to thirty minutes to clean them, and that it is absolutely impossible to clean them in the dark, or with the aid of artificial light, so they would pass such an inspection as they were subjected to by the officers of these companies the following morning.

This testimony as to the cleaning of these guns and the time required therefor was given not alone by the colored soldiers of the Twenty-fifth United States Infantry, but also by a large number of white soldiers who were called as witnesses.

It has been suggested that the men probably used surplus ammunition, but the testimony is uncontradicted that they had no surplus ammunition. All the ammunition in the possession of the men when they left Fort Niobrara was taken away from them, except only twenty rounds of ball cartridges for each man, and every man in the battalion had his twenty rounds when inspected the morning after the affray, and all the surplus ammunition with which each company was charged was found to be on hand in the storerooms in charge of the quartermaster-sergeants of the respective companies without the shortage of a single cartridge.

That is not the testimony of the black soldiers, but of the white officers, men who were graduates of West Point Military Academy, and men who stand as high in point of integrity as any men who could be called as witnesses.

The testimony further shows they had no opportunity to get surplus ammunition either at Fort Niobrara or at Fort Brown.

The testimony further shows that during the stay at Fort Brown the three companies of white soldiers of the Twenty-sixth United States Infantry were engaged in target practice and that generous supplies of their ammunition in some manner found their way into the hands of citizens of Brownsville. There is testimony to the effect that whole clips of Springfield cartridges could be seen in barrooms, standing on sideboards, where they were used for decorative purposes, and that when these companies of the Twenty-sixth United States Infantry left Brownsville they carelessly left ammunition behind them in the barracks, which was gathered up immediately after their departure by Mexicans and scavengers who visited the barracks for the purpose of supplying themselves with whatever had been cast away.

I have here a clip [exhibiting]. It is a facility for putting five cartridges together in a bunch. It is that little fastener or holder that is called the clip. I call attention to it now because I shall have to refer to it again presently.

In other words, the testimony shows that the citizens of Brownsville had opportunity to procure, and that they did have in their possession, an abundance of the kind of ammunition with which the soldiers had been supplied, and that the colored soldiers had no ammunition whatever and no opportunity to procure any except only that which had been distributed to them, every cartridge of which they had when inspected the morning after the shooting occurred.

The foregoing statements as to the ammunition should be modified as to C Company.

Each man of this company carried with him to Brownsville from Fort Niobrara twenty rounds of ball cartridges, but a few days after arrival at Brownsville Captain Macklin ordered that all the ball ammunition should be returned to the quartermaster-sergeant, and that the men should be supplied with guard cartridges, ten rounds to each man.

According to the testimony, when the shooting commenced, on the night of August 13, each man in this company had ten rounds of these cartridges, and not a man in this company had possession of a single ball cartridge. Every one had been taken from them only a few days before under this special order.

The testimony further shows that each of these companies had 650 rounds of guard cartridges—no more, no less.

This ammunition was issued to them at Fort Niobrara. These cartridges are, as their name indicates, intended for only guard purposes. They have only 15 grains of powder, whereas the ball ammunition has 42 grains of powder. They have a plain lead bullet, without any steel jacket such as the ball ammunition has.

The testimony further shows that, except only these 650 rounds for each of these three companies, there was no other ammunition of this kind issued to the battalion or procurable by the battalion at either Fort Niobrara or Fort Brown.

The testimony further shows that each of these three companies the morning after the firing not only accounted for every round of ball ammunition, but also for every round of this guard ammunition.

Each of the companies turned over to the Government at El Reno, where the soldiers were discharged without honor, exactly 650 rounds, except only D Company, which turned in only 645 rounds.

This shortage of one clip of guard ammunition was fully accounted for by Captain Lyon, the commanding officer of Company D.

No one pretends that there is any evidence that any bullets of this character were used that night. No trace of any such bullet has been found.

It follows necessarily that, so far at least as Company C is concerned, there is absolutely no evidence to show that they participated in the affray or to warrant the suspicion that they did, and yet it was this company toward which all suspicions of guilt were directed by Major Blocksom and all others down to the time when this fact with respect to its ammunition was established.

Suspicion was directed to this company because Newton, Reid, and Adair, the three men, each of whom had some kind of trouble at Brownsville, all belonged to this company, and because there was delay in the opening of the gun racks, in consequence of which at least two of them were broken open by order of Major Penrose.

Major Blocksom and others engaged in the investigation seemed to think that it was an evidence that these men were engaged in this conspiracy, which because of their care in organizing and executing it seems impossible to disclose, were, while so expert on the one hand, so absolutely stupid on the other that they would command their operations by breaking open their gun racks and committing other acts that would betray their identity.

How anybody possessed of the slightest power to reason could find evidence of guilt in such performances surpasses ordinary comprehension. Only a man so blinded with prejudice and egotism as to be incapable of weighing conduct intelligently could be guilty of reaching conclusions so utterly absurd.

The testimony shows another important fact that is confirmatory of the innocence of the soldiers.

#### PISTOL SHOTS.

Ten revolvers for each company had been issued to the battalion at Fort Niobrara. There were no other revolvers or pistols of any kind, so far as the testimony discloses, in the possession of anybody connected with the battalion.

The testimony shows that none of these revolvers had ever been taken out of the chests in which they were when they were delivered to the different companies, except only one that was in the possession of one of the officers of the battalion.

All these revolvers, with this exception, were found after the firing to be in the chests where they belonged, covered with cosmoline that had been put on them at the arsenal, and not one of them showing any signs of having ever been used.

The significance of this testimony arises from the fact that Major Penrose and his officers and also Major Combe and a number of other witnesses all testified positively that the first shots fired that night were pistol shots.

Major Penrose and his officers and Major Combe were experts in the handling of arms and in distinguishing between pistols and high-power rifles.

Major Penrose said:

The first two shots I heard were undoubtedly pistol shots.

Captain Lyon says:

The first two shots were undoubtedly revolver shots, black powder.

Lieutenant Grier:

They were what I thought were two pistol shots.

George W. Rendall said, referring to these shots:

I think they were pistols; that was my impression at the time.

Mayor Combe said he first heard "what I thought to be four or five pistol shots."

He further said that he was impressed that they were pistol shots because they did not sound like the shots he heard later, which he recognized as high-power rifle shots.

In view of this testimony, it can not well be doubted that the firing was commenced that night by somebody other than the soldiers.

#### LOCATION OF FIRST SHOTS.

That this firing did not commence on the rear porches of the barracks or at any other point within the reservation is clearly shown by two witnesses who were in position to know, and unquestionably did know, more about the location of the first firing than anybody else.

One of these was private J. H. Howard, of Company D, the sentinel who was on post and who happened, when the firing commenced, to be passing over his beat immediately in rear of C and B barracks, about opposite the space between them, and practically opposite the mouth of Cowen alley.

The other witness was Matias G. Tamayo, a Mexican citizen of Brownsville, who was employed by the Government as the scavenger, and was with his night cart immediately in the rear of B barracks, near its kitchen, when the firing commenced.

Both testified in the most unqualified way that there was no firing from the barracks or from any other point within the reservation; that the first shots were fired from some place outside of the reservation, as nearly as they could locate them in the Garrison road, somewhere in the vicinity of the mouth of Cowen alley.

Both witnesses were exhaustively examined and cross-examined without shaking or affecting their testimony on this point in the slightest degree.

Both testified not only that there was no firing from any point within the reservation, but that no men or bodies of men were passing in the rear of the barracks before or at the time of this first firing, and that nobody was seen to be jumping over the wall from the reservation into the Garrison road outside, and both testified that if any such thing had happened they were in a situation to have seen it.

They describe intelligently and positively the character of this first firing and the location of it, and negative, absolutely, and unqualifiedly the claim that there was any firing from any other point except that which followed the first firing, and which occurred as the raiders passed up Cowen alley on the route they took.

The sentinel testifies that there were first two shots, and then after a few seconds a fusillade of five or six shots, and that thereupon he passed to the front line of the barracks opposite the parade ground, held his piece in the air and gave the alarm required under such circumstances by firing his piece three times and after each shot crying out "Corporal of the guard No. 2." His gun was the only one in the battalion found dirty from firing on inspection the following morning.

Major Penrose and a number of other witnesses testified that they heard first two shots, then a fusillade of shots, then three separate and distinct shots, which were undoubtedly the shots fired by the sentinel, whom Major Penrose found at the point where the sentinel testifies he stood when he gave the alarm.

There is nothing whatever in the record of the sentinel, Howard, to his discredit. His testimony is intelligent, frank, straightforward, and undoubtedly truthful, but while it may be insisted that because he was a soldier his statements should be discredited, there is no reason whatever for discrediting the testimony of Tamayo, the scavenger. He was a citizen of Brownsville; he had lived there all his life. Owing to the fact that they had been there so short a time he had practically no acquaintance with the soldiers. He testified that he had no interest in them of any kind whatever to affect his testimony either one way or another. His testimony was also intelligent, frank, and straightforward, and although he was examined and cross-examined in the most rigid and exhaustive manner, his evidence was not affected or disparaged in the slightest degree.

I come now to the

#### CIRCUMSTANTIAL EVIDENCE.

It consists of a number of bullets that were cut out of the houses into which they were fired at the time of the affray, and a lot of exploded shells, some clips and cartridges, and a bandolier that were picked up in the alleys and streets of Brownsville the next morning after the shooting.

All these are the same as those with which the negro soldiers were supplied. They are also precisely the same, however, with which the white soldiers were supplied who were relieved from duty at Fort Brown by the colored soldiers. The bullets have upon them the mark of four lands, indicating, as the testimony shows, that they were fired from either a Springfield rifle, or a Krag rifle, or a Krag carbine, or a Mauser rifle.

It is claimed, however, that they must have been fired from a Springfield rifle.

First, because the Springfield cartridge is too long and too large to fit into a Krag rifle, or Krag carbine, or a Mauser rifle, and that if the bullets that were found belonged to Springfield rifles, and that inasmuch as no one at Brownsville, so far as the testimony discloses, had a Springfield rifle, except only the negro soldiers, they must have done the firing.

Until this circumstantial evidence was presented to Major Penrose and his officers, they would not believe that any of their men had been engaged in the shooting, but this testimony seemed so conclusive that they changed their minds and expressed themselves as convinced that their men must have done the shooting.

It was this apparently conclusive testimony that fastened the conviction of guilt upon the soldiers in the minds of all who were engaged in the investigation of the affray, and which led the investigators to disbelieve the soldiers and to desist from investigating the question of the possible guilt of others.

As soon as this evidence was presented to Major Penrose and his officers they put their men under the strictest scrutiny and subjected them to the severest discipline and examinations, with a view to ascertaining who the guilty men were. They continued this course not only at Fort Brown, but subsequently at El Reno, down to the time when their men were discharged without honor, but, notwithstanding they made every kind of an effort, they failed to get any clue whatever to indicate what men, if any at all, were guilty.

Every man in the command continued to stoutly and unqualifiedly deny that he had participated in the affray, and also that he had any knowledge whatever as to who had done the shooting.

When General Garlington announced the President's ultimatum, that unless someone disclosed who the guilty parties were the whole battalion would be discharged without honor, it was thought that at least those oldest in the service, and therefore having the most to lose by such a discharge, would come forward with incriminating testimony; but when they continued to assert their innocence and lack of any knowledge whatever on the subject, their officers, who knew their pride in their record as soldiers and knew their trustworthiness and truthfulness and general reliability as men, began to doubt their guilt.

This wavering ripened into conviction when during the progress of the Penrose court-martial and the Senate investigation a number of important facts favorable to the soldiers were developed and established.

#### THE MICROSCOPIC INSPECTION.

No one fact had so much weight with these officers to change their minds as what is known in this record as the microscopic inspection that was made of the exploded shells above referred to.

When the results of this investigation were communicated to the Senate Committee on Military Affairs, made a part of the record of the investigation, and made known to the public, these officers carefully studied the various points and features and phases of the same with the result that, coupled with other testimony, they became thoroughly convinced that their men were absolutely innocent, one and all, of any participation in the shooting affray, and of withholding any information with regard thereto.

All testified fully as to this change of opinion in favor of their men, giving their reasons therefor.

This testimony, which was so conclusive to these officers, appears equally conclusive to my mind.

It is of the most important character and, in consequence, is entitled to the most careful attention.

My views with respect to this circumstantial evidence and this microscopic inspection and the conclusions deducible from the results of the same are fully and carefully expressed in the supplemental minority report signed by the Senator from Connecticut and myself.

I do not know how better to present what I have to say in regard thereto than by quoting the following from that report. It involves some repetition, but in view of its importance that is not objectionable.

#### THE SHELLS, CLIPS, ETC.

A lot of exploded cartridge shells, some clips and cartridges, and a bandolier were picked up in the alleys and streets of Brownsville the next morning after the shooting.

Until these were brought to the fort and shown to Major Penrose and the other officers of the battalion they would not, any of them, believe it possible that any of the men of the battalion had been engaged in the shooting; but when these were exhibited to them, and they were told that they were picked up at the points where the shooting occurred, they changed their minds and concluded that in view of such evidence their men must have done the shooting. From that moment they put their men under the strictest scrutiny and surveillance and made every effort possible to ascertain who the guilty men were, but all such efforts failed.

In the meanwhile the court-martial of Major Penrose was held at San Antonio and the investigation before the Senate committee commenced. The testimony so taken satisfied the officers, as we have already pointed out, that their men were not guilty, and they have so testified.

They testify that they were influenced to change their opinions and reach the conclusion that their men were not guilty by a number of facts developed, including, among others, the results of a microscopic examination that was made of the exploded shells that were picked up in the streets of Brownsville. In other words, the testimony by which they had been first led to believe that their men were guilty turned out, as a result of this investigation, to be conclusive proof to their minds that their men were not guilty. The part this testimony has thus played shows that it is sufficiently important to receive special consideration.

#### NUMBER OF SHELLS FOUND.

1. According to the weight of the testimony there were from 150 to 300 shots fired that night in Brownsville by the raiders, whoever they may have been. There should have been found, therefore, that many exploded shells. The testimony shows that careful search was made to find the shells and every other species of evidence that might tend to show that the soldiers were guilty, but with the result that, all told, only about 40 of these exploded shells were found. In other words, there were from 100 to 200 or 300 exploded shells, according to the theory of those who claim that the soldiers did the firing, scattered somewhere as a result of that firing in the alleys and the streets of Brownsville which have never been found. Nobody pretends that there was any difficulty on account of the nature of the ground or for any other reason about finding any exploded shells there may have been, or ought to have been, in the streets where the firing occurred. Seven of these empty shells were found at the mouth of the Cowen alley near the fort by Captain Macklin. Others were found in the alley and in Washington street at the point where the firing is said to have occurred. These shells so found, except those found by Captain Macklin, were turned over to the authorities and subsequently forwarded to the Senate for use as evidence. There were only 33 of them in all. There may possibly have been a few others picked up that were not turned over, but we have no account of them, and the testimony is of such character as to warrant the conclusion that there could have been but very few, if any, picked up in addition to the 33 mentioned. It is reasonable to conclude that the other shells that must have been exploded, if there were as many shots fired as the witnesses state, were not found to be such shells as the soldiers used, or there must have been some other good reason for not submitting them as evidence. Whatever the explanation may be, the fact remains, and it is a fact that in and of itself discredits the deductions drawn to the prejudices of the soldiers from the finding of the shells that have been submitted.

#### SHELLS AND CLIPS FOUND BY CAPTAIN MACKLIN.

It is testified by Captain Macklin, who was the officer of the day, that just at the break of dawn he made a careful search for any evidence that would show who had done the firing. In this behalf he searched, both inside the reservation wall and outside, to find shells and clips or other evidence that the soldiers had done the firing, as the citizens were at that time charging. He found no shell, no clip, no evidence of any kind inside the reservation wall, but outside the wall, across the street, in front of the garrison and at the mouth of Cowen alley, where, according to the testimony of the guard and the scavenger and other witnesses, the first shots were heard, he found seven shells and six clips in a circular area not more than 10 inches in diameter. The testimony is conclusive that if these shells had fallen from Springfield rifles as they were fired they would have been scattered over an area perhaps 10 feet in diameter. It is the opinion of all the witnesses who testified on that point that the shells found by Captain Macklin could not have fallen in the position in which he found them if they had fallen as they were fired. This fact, coupled with the further fact that with these seven shells there were found six clips, enough to hold thirty cartridges, further discredits the finding of the shells in the alleys and streets as evidence of the guilt of the soldiers.

#### MICROSCOPIC INVESTIGATION.

But while the investigation was in progress the War Department, on its own motion, caused all the rifles that were in the hands of the three companies at Brownsville that night to be forwarded to the Springfield Armory, and detailed two officers, who, under instructions from the War Department, caused to be fired out of each of these rifles two cartridges. The indentations on the heads of the exploded shells so fired were put under the microscope and compared with the indentations found on the heads of the thirty-three exploded shells picked up in the streets of Brownsville, which indentations were similarly magnified.

In order that Senators may have a better idea than I can convey by mere language, I have in my hand here an exploded shell to which I call attention. That is the head of the shell—where I am pointing. The center of that head is called the "primer." When the cartridge is inserted in the gun and the trigger is pulled a bolt shoots forward which carries what is called the "firing pin" until it strikes the primer, and that explodes the shell.

As I have already read, two cartridges were fired from each one of the guns of this battalion by the officers who were intrusted with the duty of making the experiment, and the indentations made upon the heads of the shells were then magnified, and you see by these exhibits in our record at pages 1313-1314 to what extent they were magnified. [Indicating.]

All firing pins are made by machinery and are supposed to be practically alike, yet it is found upon examination that no two firing pins will make the same kind of an indentation; that is, there does not seem to be anything in either manufacture or nature exactly like anything else, even when it is made with machinery.

All the heads of these exploded shells fired by these experts were put under the magnifying glass and magnified in that way. So were the heads of the shells picked up in the streets of Brownsville put under the magnifying glass, and then they were compared with each other with this result, that the indentations found on the thirty-three shells picked up in the streets of Brownsville were exactly like the indentations made upon the shells fired by these experts out of four certain rifles that had been sent to the Springfield Armory, which were found to have belonged to Company B.

All that is set forth in the official report of these experts. The experts transmitted them to the Secretary of War, with a report in which they said that the experiments showed conclusively that the thirty-three shells picked up in the streets of Brownsville had been fired out of these four certain rifles—eleven out of one, eight out of another, and so on. The numbers of the rifles were given, and that was transmitted to the committee as settling the whole matter.

But I was simple-minded enough when that came in to think I would like to know where those four rifles were that night, if I could find out. So I found out, from an examination of the property account of the company, that they were charged to four different soldiers, whose names were given. They were subpoenaed and brought before the committee, and they testified, and three of the rifles were accounted for as in the hands of men that night, not one of them showing any evidence of having been fired when examined the next morning.

But it was said by those who were disposed to criticize and not accept that as conclusive that these soldiers were interested and there might be unreliable testimony given. But it was not necessary to pursue that any further, for when we came to examine as to the fourth gun we found that gun was that night locked up in the arms chest of the storeroom of the company's quarters. I have told all this in the report, and I would rather read that.

Mr. SCOTT. And that gun had never been used.

Mr. FORAKER. No. I want to read that, and I want the attention of every Senator who will so honor me.

The thirty-three exploded shells were otherwise subjected to the most careful inspection by these experts. The result of this investigation was submitted to the committee in the form of an official report made by these officers to the Secretary of War. It is found at pages 1309-1325 of the record. Without being unduly tedious, the results were:

1. That there was such an exact identity between the indentations found on the heads of the thirty-three exploded shells picked up in the streets of Brownsville and the indentations found upon the exploded shells fired from four certain guns belonging to Company B of the Twenty-fifth Infantry that the officers reported that, beyond a reasonable doubt, the shells picked up in the streets of Brownsville had been fired out of those four guns.

2. The experts further reported that they found that three of the shells picked up in the streets of Brownsville had a double indentation, as though a first attempt to fire them had failed and they had then been put a second time in the piece and struck a second time with the hammer or firing pin before they were exploded.

3. They further officially reported that certain of the shells picked up in the streets of Brownsville, nine in number, bore marks indicating that they had been twice or oftener inserted in a rifle as though to be fired.

#### DOUBLE INDENTATIONS.

The officers of the Twenty-fifth Infantry and all the men who were examined on the point testified that when they first received their rifles, about the last of April, 1906, at Fort Niobrara, they were found to be so heavily oiled with cosmoline that the spring which shot the bolt forward with the firing pin to strike the head of the cartridge and explode it was impeded to such an extent that it was a matter of frequent occurrence that cartridges failed to explode at the first stroke, but that after, by the use of coal oil and in other ways, this cosmoline had been entirely removed, so that the spring worked freely, such a thing as a failure to explode practically never happened; and all testified that long before these troops left Fort Niobrara, where they used their rifles in target practice, they ceased to have any such difficulty and that during all the time they were in Brownsville no such difficulty could have been experienced if they had had occasion to use their rifles.

#### THE DOUBLE INSERTION.

As to the double insertion of cartridges, the officers and men all testified that while they were engaged in target practice at Fort Niobrara the call to cease firing very frequently was sounded after a cartridge had been inserted but before it was fired; that this was a matter of practically daily occurrence—

I should have said "hourly occurrence"—that always the soldier was required when the call to cease firing was sounded to at once remove from his gun any cartridge that might have

been inserted but not yet fired, and that this cartridge so withdrawn was reinserted and fired when firing was resumed, and that in this way shells would show marks indicating that they had been inserted more than once in the firing piece. The officers and men all testified that except only on the target range at Fort Niobrara there was never in the history of these arms any such double insertion of cartridges or any occasion for such double insertion. It was the opinion of all the officers and men who testified on the subject that these double insertions never could have occurred except only on the target range at Fort Niobrara.

What these officers say shows how improbable it is that such a double insertion could have occurred in connection with the shooting affray at Brownsville, when it is remembered that when an attempt is made to fire a cartridge and the attempt fails the bolt must be drawn backward, with the result that the ejector throws the cartridge out of the chamber and to the distance of anywhere from 3 to 10 feet away from the gun. The idea that a raider would undertake in the darkness of such a night, and under such circumstances, to recover an ejected cartridge that had failed to explode in order that it might be reinserted in the piece is utterly untenable. The same is equally true as to those cartridges showing double indentations. There could not be any double indentation without pulling back the bolt after the first indentation, with the consequent expulsion of the cartridge from the chamber out into the darkness and to the distance of 3 to 10 feet away from the gun, then recovering and reinserting the cartridge. To suppose that on such an occasion, under such circumstances, any such thing would or could occur is an extreme improbability, if not an actual impossibility.

#### THE FOUR GUNS.

The four guns out of which the experts found that the shells picked up in Brownsville must have been fired were identified by their numbers. The testimony shows that on the night of the shooting three of these guns were assigned, respectively, to Thomas Taylor, Joseph L. Wilson, and Ernest English, privates of Company B. These men appeared and testified that they were in their quarters asleep when the firing commenced, that they heard the call to arms, rushed with their comrades to the gun racks, each getting some gun which he carried for that night and which he returned after the company was dismissed for the night to the gun racks, where they were locked up and kept until morning; that the following morning each one found his gun in the rack and that when submitted for inspection it was found to be perfectly clean and bright, showing no evidence whatever of having been fired during the night. All testify that in the excitement and confusion each soldier grabbed the first gun he could get, but that all guns were found in the racks, where they were verified after the firing was over. These witnesses were clear, straightforward, and unqualified in all their statements, and their testimony should be sufficient, in the absence of specific contradiction, to establish the fact that no one of their guns was used in the shooting affray.

They are confirmed by the testimony of their company commander, Lieutenant Lawrason, who testified, at pages 1579 and 1580, as follows:

"Q. Did you learn before your company was dismissed that night that it had been charged by Mayor Combe that the soldiers of the garrison had fired on the town?—A. Yes, sir. I was near the main gate into the town when Mayor Combe came up, and I heard part of the conversation with Major Penrose, in which Mayor Combe accused the soldiers of having done the shooting.

"Q. Until that time had you any thought of that kind with respect to the matter?—A. No, sir; I did not; I did not believe for an instant that the men had done it.

"Q. That was the first intimation you had that anybody made any such claim?—A. Yes, sir; it was.

"Q. And then it was after that that Major Penrose dismissed you and told you to make these examinations, was it?—A. Yes, sir.

"Q. You took your company back, as I understand you, to the barracks and dismissed the company. Then what did you do in execution of the major's orders?—A. I saw the arms locked in the racks and later—

"Q. I will ask you, before you left the racks, whether or not you counted the guns after they were put into the racks?—A. Yes, sir; I counted them.

"Q. How many were there, or were they all there?—A. I don't remember the exact number, but I remember adding to the exact number the number of men on guard and the number of rifles that should be in the storehouse, and the first sergeant's rifle, and adding up seventy.

"Q. That is to say, you accounted for seventy rifles, did you?—A. Yes, sir.

"Q. Was that the full number that had been issued to that company?—A. That was all that we had—all the Springfield rifles we had.

"Q. And you remember, do you, positively that at that time you knew that you had in the gun racks the full number of rifles that should be there after deducting the other rifles that you accounted for as being elsewhere?—A. Yes, sir.

"Q. If there had been three rifles missing from the racks, would you or not have detected it?—A. If there had been what?

"Q. If there had been three rifles missing, would you have detected it?—A. I believe I would have detected one short.

"Q. You would have detected one short. Now, do you remember Thomas Taylor of your company?—A. Yes, sir.

"Q. Do you remember seeing him that night?—A. I know that he was present that night, though I don't remember seeing his face in the ranks.

"Q. How do you know that he was present—I mean present with your company, and I suppose you mean that?—A. Yes, sir; because I know that he was carried on the rolls of the company at this time, and I checked up the whereabouts of every man in the company that night.

"Q. And you know that he answered to his name at the roll call, do you?—A. Yes, sir.

"Q. Or if not that, that you found him elsewhere?—A. Yes, sir; I know he was accounted for at that roll call.

"Q. You have told us of all who were absent from the ranks when the roll was called, and he was not one of them; so therefore it follows that he was in ranks, does it not?—A. Yes, sir.

"Q. Now, is that true also of Joseph L. Wilson?—A. Yes, sir; that is true of Joseph L. Wilson also.

"Q. Do you remember seeing him in ranks that night?—A. No, sir; I do not. He is on one end of the company, and I believe in the rear rank, or at any rate not directly in front of me in the company. He is smaller than most of the men in the company.

"Q. But if he had been absent when his name was called, you would have detected his absence, you would have observed it?—A. Yes, sir.

"Q. You were paying particular attention, were you not, to the roll call?—A. Yes, sir; I was, because I believed that the barracks had been fired into, and I wanted to see if any man had possibly been wounded and left upstairs.

"Q. And you also stated that you knew the voice of every man so you could distinguish it and recognize it when he answered to his name?—A. Yes, sir; I believe I am familiar with every voice in the company.

"Q. Now, is what you have stated as to Thomas Taylor and Joseph L. Wilson also true as to Ernest English?—A. Yes, sir; I believe English was also present.

"Q. Do you remember seeing him that night?—A. No, sir; I can not positively state that I saw the face of any man in the ranks that night.

"Q. But you do remember distinctly that every man was in ranks answering to his name, except those whom you have given us the names of, who were away on the several duties you have mentioned?—A. Yes, sir."

#### THE FOURTH GUN.

But however it may be as to the testimony of these three men being sufficient to show that these three guns were not fired that night, the testimony is absolutely conclusive as to the fourth gun that it was not fired that night. This fourth gun, being 45683, was originally issued at Fort Niobrara to Sergeant Blaney. Shortly before the battalion left Fort Niobrara for Brownsville his term of enlistment expired, and he reenlisted and took the usual furlough of three months, to which he was entitled. Before starting on his furlough he turned in his gun to the quartermaster-sergeant, Walker McCurdy, who placed his name on a piece of paper and put it in the bore of the gun next to the chamber, and then placed it in the arm chest and locked it up. Sergeant Blaney did not return to the company until after it left Fort Brown. On the night of the shooting his gun, with others, was still in this arm chest. They were all placed there when the battalion left Fort Niobrara. On arrival at Fort Brown this arm chest was put in the storeroom, and for want of room other baggage was piled on top of the chest. On the night of the firing, and immediately after the company was dismissed for the night, Lieutenant Lawason, the company commander, under orders from Major Penrose, proceeded to verify his rifles. He carefully counted the rifles in the gun racks and found there the exact number that belonged in the racks. He then went to the storeroom, taking with him the quartermaster-sergeant, who unlocked the room, that he might enter. After entering the room he told the quartermaster-sergeant that he wanted to verify the guns in his custody—those in the arm chest. The quartermaster-sergeant thereupon removed the baggage that had been piled on top of the arm chests, unscrewed the lids, opened up the guns, and Lieutenant Lawason counted them, finding that every gun was there—not one missing. In this way he establishes that Blaney's gun was at the time of the firing in the arm chest, with the lid screwed down and baggage on top of the chest, and the door of the storeroom fastened under lock and key. In other words, it is conclusively shown that as to this one gun at least it was utterly impossible for it to have been fired in Brownsville or that it ever had been fired, except only on the target range at Fort Niobrara before the battalion left there.

Lieutenant Lawason's testimony on this point is as follows:

"Q. That night, when the guns were put back in the racks, did you count them?—A. Yes, sir; I counted them as they were placed in the racks.

"Q. Were the rifles locked up?—A. They were, sir.

"Q. By whom?—A. By the noncommissioned officer in charge of quarters.

"Q. Who was that?—A. Sergt. George W. Jackson.

"Q. Is he a reliable man, or not?—A. I believe him to be a reliable man, sir.

"Q. And a truthful man?—A. I think so, sir.

"Q. He had been a sergeant in that company for a long time, had he not?—A. He had, for several years, I believe, sir. He was in the company when I joined it.

"Q. And a man of good record in every sense?—A. I believe he was, sir.

"Q. Now, you saw the gun racks locked by him; then what did you do next after you had put the rifles away and locked them up in that manner?—A. I then went down and inspected the rifles in the storeroom.

"Q. Who was in charge of the storeroom, or storeroom, whichever you call it?—A. Quartermaster-Sergeant Walker McCurdy.

"Q. Was he, also, an old sergeant?—A. Yes, sir; he was an old sergeant of Company B.

"Q. Was he or not a reliable and truthful man?—A. I always believed him to be such, sir.

"Q. He had been in the service many years, had he not?—A. Yes, sir; he had.

"Q. And had everybody's confidence as a good soldier and a faithful noncommissioned officer?—A. Yes, sir.

"Q. He was the quartermaster-sergeant. As quartermaster-sergeant, what was his duty with respect to the surplus rifles and surplus ammunition? I mean surplus in the sense that it was not in the hands of the men?—A. He was accountable for it, and it was his business to keep it locked up.

"Q. You went to the storeroom after you locked up the rifles; who went with you to the storeroom?—A. The quartermaster-sergeant.

"Q. Sergeant McCurdy?—A. Yes, sir.

"Q. What did you do, and what did you tell him, and in what condition did you find the room; was it locked or unlocked when you went to it?—A. It was locked and he opened it. He took out a bunch of keys, as I recollect it, and fumbled around and got the right key and unlocked the door. The storeroom was very small, and we could not put all of our quartermaster property in there, and there was some confusion in the way in which the stuff was piled. We had to remove a lot of company property.

"Q. I will come to that in a minute. What did you tell Sergeant McCurdy you wanted in the storeroom when you went there; did you tell him or not what you wanted to do until you got into the storeroom?—A. No, sir; when I got into the storeroom I told him that I wanted to see the rifles that he had in the storeroom.

"Q. That is, rifles that he had in his possession?—A. Yes, sir.

"Q. Did you know how many rifles he had in his possession at the time?—A. I did, by referring to the company property book which was kept there.

"Q. We will speak about that presently. Now, go on and state what you did and what he did when you told him.—A. He told me that the rifles were locked up in the arm chests. I told him to open them, and he opened one full arm chest that contained ten rifles, and also opened another that, I believe, contained two or three rifles and several old company shotguns.

"Q. Now, before you opened the arm chests, let me ask whether or not they were easy to get at, or whether there was anything on top of them?—A. No, sir; they were not easy to get at. As I recollect, we removed considerable property before we got the arm chests out and got room to unscrew the lids.

"Q. What kind of property was this?—A. Iron quartermaster bunks and, I believe, some iron uprights to hold mosquito bars—T-shaped things.

"Q. They had been piled on top of these arm chests, had they?—A. Yes, sir; and were standing against the wall, between us and the arm chests.

"Q. When had you last before that seen these arm chests, and where?—A. I had seen them at Fort Niobrara, Nebr., before shipment, and when they were unloaded from the wagons and placed in the storeroom at Fort Brown.

"Q. Where were these extra guns placed in these arm chests, whether at Fort Niobrara or Fort Brown, or where?—A. They were placed in the arm chests at Fort Niobrara.

"Q. Do you remember seeing the guns—rifles—put in the arm chests and the arm chests closed up for shipment at Fort Niobrara?—A. I do not believe I was present when the property was boxed up. It was boxed up some time before our departure, and Captain Shattuck was in command of the company at that time.

"Q. You have told us in what condition you found the chests as to other property being piled on top; this property was removed, was it, from the tops of the chests?—A. Yes, sir.

"Q. And then were the chests opened, or not?—A. They were opened under my supervision and the arms counted.

"Q. State in what condition you found the inside of those chests, as to the arms.—A. The arms were placed in the proper grooves for them, and they were battened down, or held down by cleats that fit in the boxes, to prevent their rattling around during shipment.

"Q. They had been fixed that way before they had left Niobrara?—A. Yes, sir.

"Q. And were they in that same condition when you opened them that night?—A. They were in the same condition, sir.

"Q. Did you count the rifles when they were opened up?—A. Yes, sir; I counted them.

"Q. I will ask you another question—whether or not, before these rifles were shipped from Fort Niobrara, they were coated with cosmoline oil or any other kind of oil?—A. I believe they were coated with cosmoline oil at the time I looked at them at Fort Brown.

"Q. When you looked at them was there any indication that they had been disturbed in any way whatever since they had been boxed up at Fort Niobrara?—A. No, sir; there was not; I did not take out all the rifles; I could count them without taking them out of the boxes; I picked up one or two from the top.

"Q. And you did count the rifles in both boxes?—A. Yes, sir.

"Q. And you remember that the requisite number of rifles were there, added to the other rifles that you found in the racks, and that you counted as away from there, to make up the number of seventy?—A. Yes, sir.

"Q. There was not a rifle missing, was there?—A. No, sir."

On this point Quartermaster-Sergeant Walker McCurdy testified (p. 1658) as follows:

"Q. What book is that in front of you there? See if you recognize it.—A. This is the company's property book, sir.

"Q. The company property book of Company B?—A. Yes, sir.

"Q. Will you turn to that and see what gun Sergeant Blaney had assigned to him, according to that book, when these new Springfield rifles were issued?—A. [Examining book.] I think it was 45683.

"Q. 45683?—A. Yes, sir.

"Q. Now, it has been testified to, I believe, that Sergeant Blaney was absent on furlough. When did he go away on furlough?—A. It was about the same time I was made quartermaster-sergeant—about the 9th or 10th of June.

"Q. That is, you succeeded him when he went away on furlough?—A. Yes, sir.

"Q. Had he returned while you were yet at Brownsville? When did he return?—A. He returned at El Reno.

"Q. He was not with you at Fort Brown at all?—A. No, sir.

"Q. What was done with his gun when he left to go on furlough the 9th of June, or whatever date it was?—A. He took it up and packed it away.

"Q. He turned it in?—A. No, sir; he turned in his own rifle. He will tell you himself that when he returned there was a slip of paper put in the chamber to show whose rifle it was, to keep me from issuing it to anyone else.

"Q. Who put that in there?—A. I put it in there myself.

"Q. What was on that slip of paper?—A. 'William Blaney.'

"Q. Now, when he returned, were you still with the company?—A. Yes, sir.

"Q. At El Reno?—A. Yes, sir.

"Q. And you were still quartermaster-sergeant?—A. Yes, sir.

"Q. And did you continue as quartermaster-sergeant?—A. Until I was discharged, sir.

"Q. Until you were discharged?—A. Yes, sir.

"Q. Now, what was done in the matter of providing Sergeant Blaney with a gun?—A. I gave him his same rifle back.

"Q. You gave him back that same rifle?—A. Yes, sir.

"Q. What does the company book show there as to what ultimately became of it?—A. The company property book only shows here that it was checked off. At least it is struck out now, because it was checked off.

"Q. Look at the number of the gun and see whether there are some initials placed over the number?—A. No, sir; only 'O. K.' here, when it was turned in.

"Q. What is that written over the number [indicating on book]?—A. That is the captain's check mark.

"Q. That is 'C. C. K.'?—A. It is 'O. K.'

"Q. No; 'C. C. K.'—A. That is the captain's check mark, of Captain Kinney. He could tell you. He did that himself.

"Q. The gun was turned in. You were quartermaster-sergeant when the gun was turned in?—A. Yes, sir.

"Q. State whether or not when the guns were turned in Captain Kinney was captain of the company?—A. Yes, sir.

"Q. And his name is C. C. Kinney?—A. Yes, sir.

"Q. State whether or not he checked up every number.—A. He had that book, and he checked it up.

"Q. Can you tell us where that gun, No. 45683—is that the number?—A. 45683, I think it is, sir. [Examining book.] There is a check over it, but I think that is what it is, No. 45683.

"Q. Senator WARNER. That is the number you gave?

"Senator FORAKER. Yes.

"By Senator FORAKER:

"Q. Well, it is the number that is there. State where that gun was on the night of the 13th of August, 1906.—A. It was in the arm chest, sir, in the company.

"Q. In the arm chest?—A. Yes, sir.

"Q. Was the arm chest open or closed?—A. It was closed, sir.

"Q. Where was the arm chest?—A. It was in the storeroom.

"Q. How long had it been in that arm chest, and who had placed it there?—A. I placed it there at Fort Niobrara.

"Q. At Niobrara?—A. Yes, sir.

"Q. It was one of the guns that were in your charge? It was one of a number in your charge at that time, was it?—A. Yes, sir.

"Q. You have already testified that you packed up in arm chests all the guns you had charged to you?—A. All the surplus guns that were not in the hands of the men, sir.

"Q. You have a clear, positive, distinct recollection of that fact, have you?—A. Yes, sir.

"Q. You can not be mistaken about it?—A. No, sir.

"Q. It was No. 45083? That was the number?—A. Yes, sir."

"If this gun was not fired that night in Brownsville, as the testimony conclusively shows it was not, then it follows that if the shells picked up in the streets of Brownsville were fired out of this gun they must have been fired at Fort Niobrara. The testimony shows this was both possible and probable.

Before this microscopic investigation was made or any such question was foreseen, it was established by uncontradicted testimony that Company B took with it to Brownsville as a part of its baggage a box containing from 1,600 to 2,000 exploded shells, with a proportionate number of clips, and that after arrival at Brownsville this box, opened, stood on the back porch of B barracks, where anyone passing might have access to it and remove shells and clips from it. The microscopic report says that the shells picked in the streets of Brownsville and put in evidence were, beyond a reasonable doubt, fired out of these four guns belonging to B Company. If so, then it also follows that they were fired, not in Brownsville, but at Fort Niobrara, and that they were found in the streets, not because they fell there when fired, but because they had been placed there by persons unknown, who had secured them from this box of shells standing on the back porch and easily accessible to anyone disposed to remove them therefrom. In other words, the microscopic inspection shows conclusively, not that the soldiers were guilty of the firing, but that the soldiers were free from such guilt.

Before I leave that subject let me again call attention to the fact that the next morning about the break of day, as he testified, Captain Macklin, who was the officer of the day, made a very careful search, having heard that the charge was that the soldiers had done the firing, both inside the reservation and outside, to find any evidence of such firing. Inside the reservation he could find no shell, no clip, no evidence of any kind to show that any firing had occurred. Outside the reservation, in the mouth of Cowen alley, where the sentinel and the scavenger testified that the first firing occurred, he found on a circular area, not more than 10 inches in diameter—think how small that is now—seven exploded shells and six of these clips. The testimony is that if those exploded shells had been fired that night by one standing near that point, they would have been ejected a distance anywhere from 3 to 10 feet from the gun, and they would have covered an area of 10 feet in diameter, rather than 10 inches in diameter. In other words, that, in connection with what is otherwise shown with respect to these exploded shells picked up in the streets of Brownsville, indicates that they had been placed there not as a result of firing done by soldiers, but as a result of firing done by somebody else who wanted to fix the responsibility for firing upon the soldiers.

Still other facts were developed and established by the testimony that might be cited as confirmatory of the innocence of the soldiers, but it is not necessary for present purposes to prolong the discussion of that character of evidence.

I want to pass to a consideration of the legislation that has been proposed, but before taking that up I desire to call attention to the

#### PROBABILITIES

of this case, or rather its improbabilities.

To any mind at all familiar with human nature, and able to reason as to the probabilities of human action, there is testimony of the strongest character in favor of the soldiers in the striking improbability of the whole theory of their guilt.

Is it probable that men of the character the testimony shows these men to be would deliberately plan such a conspiracy? And if they had ability enough to plan and execute such a conspiracy, would they be stupid enough to enter upon its execution by breaking open their gun racks, as they did in Company C, and by firing from their rear porches as it is charged they did in Company B, or that they would be firing from within the reservation grounds, on which they would remain until by such firing and such operations they had aroused the whole town, and directed attention to themselves, thereby fixing their identity as soldiers; and that when they had thus fixed attention upon themselves, and not before, they would, in the presence of the aroused citizens jump over the wall of the reservation and start on their errand of outrage and murder?

Is it reasonable to suppose that if the raiders were soldiers they would have commenced firing anywhere in the vicinity of the reservation? It must be remembered that it is the theory of

those who believe in their guilt that operations were commenced in this bungling manner and that yet their proceedings were so carefully planned that, although they had accessories before the fact to enable them to secure their guns and pass the guards and accessories after the fact to enable them to return, clean their guns, and otherwise deceive their officers, yet all concerned—the President thinks the great majority of the battalion—have so carefully guarded the secret that no one has allowed a single word or hint to escape that even tends to convict. Such secrecy would be utterly impossible; but it is, if it were possible, utterly inconsistent with the performances with which their proceedings were initiated. The two ideas are utterly at variance with each other—at war with each other—they destroy each other.

And if the soldiers were so reckless as to disclose their identity as soldiers by breaking open their gun racks and opening fire in the way indicated and at the places indicated, why should there have been maintained such secrecy with respect to themselves and their operations in other respects?

Is it reasonable to suppose—can any fair-minded man believe—that men capable of planning and executing such a conspiracy and willingly engaging in such a work would be so secretive on the one hand and so absolutely reckless on the other?

And is it reasonable to suppose that if there were from five or six or eight to twenty soldiers engaged in the raid they could have gone through the town to the extent described by the testimony, and in the manner shown by the testimony, and then from a point distant 300 to 350 yards from the fort have returned to the barracks and rejoined their companies while in the process of formation, under the very eyes of their officers, without being detected?

In order to have returned to their companies before their formation was completed they would have had to run swiftly and would, therefore, have been likely to show excitement, quick breathing, and other effects of their exertion, which would be observed.

The testimony of all the officers is unqualifiedly that not a man in any one of the companies showed any sign whatever of having participated in the affray.

It is no part of my purpose to speculate upon the suggestions of the testimony as to who, in fact, did do the shooting.

#### PRESENT DUTY.

At this time we are concerned only as to what affects the soldiers, and our sole concern as to them is to ascertain, if we can, what our duty toward them requires.

It is not essential to our action that we should determine who the raiders were. It is enough to know, what now seems to be commonly agreed upon, that, no matter who did the shooting, there are many of the soldiers who are wholly innocent both of participating in the affray and of withholding knowledge with respect thereto, and that all such have suffered disgrace, loss, and hardship from which they should be relieved, and that such relief can be granted only by an act of Congress.

Apparently no one appreciates this more keenly than the President. It is interesting to note how this matter seems to have weighed upon his mind and how by successive steps he has reached this conclusion.

His order discharging the men without honor was dated November 5, 1906. Congress convened December 2, 1906. On that day resolutions were introduced in the Senate authorizing an investigation of the facts connected with the affray and the discharge. They led to a debate and discussion, in consequence of which on the 12th day of December, 1906, the Secretary of War, by direction of the President, issued the following order:

Applications to reenlist from former members of Companies B, C, and D, Twenty-fifth Infantry, who were discharged under the provisions of Special Orders, No. 266, War Department, November 9, 1906, must be made in writing and be accompanied by such evidence, also in writing, as the applicant may desire to submit to show that he was neither implicated in the raid on Brownsville, Tex., on the night of August 13, 1906, nor withheld any evidence that might lead to the discovery of the perpetrators thereof.

Later, on the 14th day of January, 1907, the President, in a special message to the Senate, said:

I am now satisfied that the effect of my order dismissing these men without honor was not to bar them from all civil employment under the Government, and therefore that the part of the order which consisted of a declaration to this effect was lacking in validity, and I have directed that such portion be revoked.

On the 11th day of March, 1908, the Committee on Military Affairs having made its report, the President said, in a special message to the Senate, that he desired to revive the order of December 12, 1906, and therefore recommended—

the passage of a law extending this time limit, so far as the soldiers concerned are affected, until a year after the passage of the law, and permitting the reinstatement by direction of the President of any man who, in his judgment, shall appear not to be within the class whose discharge was deemed necessary in order to maintain the discipline and morale of the Army.

In harmony with that message four of the members of the Committee on Military Affairs who had joined in the majority report joined in a supplemental report recommending the passage of a bill providing for the reinstatement in the Army, but without providing for pay in the meantime of all the discharged soldiers who would within a year after the approval of the act satisfy the President that they did not participate in the affray, and that they have not withheld any information with regard thereto.

Later, on the 19th day of March, the Senator from Missouri introduced a bill (S. 6206), which went still further in favor of the men, and provided that all who might reenlist under its provisions should have full pay from the date when they were discharged without honor.

Prior to the introduction by the Senator from Missouri of S. 6206, I introduced, March 12, S. 5729. Both of these bills were referred to the Committee on Military Affairs. Both have been reported from that committee adversely. Both are on the Calendar for consideration by the Senate, in accordance with their respective merits, without either having any parliamentary advantage over the other. I speak now in favor of the passage of S. 5729.

It will be helpful to recall in this connection precisely what these two bills are.

I ask that they be printed in the RECORD without reading.

THE VICE-PRESIDENT. Without objection, permission is granted.

Mr. FORAKER. I will state that the effect of the bill introduced by the Senator from Missouri [Mr. WARNER] is that any of the soldiers who were discharged may be allowed to reenlist whenever they may prove their innocence to the satisfaction of the President. Perhaps I had better read it all. It is a very short bill.

Mr. WARREN. I hope the Senator will read the bill. The language differs somewhat from that which the Senator has just used. I trust he will read the bill.

Mr. FORAKER. The bill provides that whenever the President shall be satisfied—I will read it as it is, then we will have it exactly. It is as follows:

A bill (S. 6206) for the relief of certain former members of the Twenty-fifth Regiment of United States Infantry.

*Be it enacted, etc.*, That if at any time within one year after the approval of this act the President shall be satisfied that any former enlisted man of the Twenty-fifth Regiment of United States Infantry who was discharged from the military service as a member of said regiment under the provisions of a special order numbered 266 and dated at the War Department on the 9th day of November, 1906, had no participation in the affray or guilty knowledge of the persons engaged in said affray that took place at Brownsville, Tex., on the night of August 13-14, 1906, the President may authorize the enlistment of said man; and any man who shall enlist in the military service under authority so given by the President shall be held and considered to have reenlisted immediately after his discharge under the provisions of the special order hereinbefore cited and to be entitled, from the date of his discharge under said special order, to the pay, allowances, and other rights and benefits that he would have been entitled to receive from said date of discharge if he had been honorably discharged under the provisions of said special order and had reenlisted immediately.

I do not know of any way in which I departed from what the bill really is in the statement which I made, except only that I did not make the statement full enough. The bill does provide—and that is the fundamental idea of it—that none of these men can be authorized by the President to reenlist until he shall have satisfied the President—to use the exact language of the bill—that he is innocent of having participated in that affray and innocent of withholding any knowledge with respect to it; in other words, it is a requirement that these men shall prove to the satisfaction of the President their innocence.

The bill I introduced—perhaps I had better read that so that Senators may know just what it is—reads as follows:

A bill (S. 5729) to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth United States Infantry who were discharged without honor, under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof.

*Be it enacted, etc.*, That any noncommissioned officer or enlisted man belonging to Company B, C, or D of the Twenty-fifth United States Infantry, discharged without honor under Special Orders, No. 266, War Department, dated November 9, 1906, on account of the shooting affray that occurred at Brownsville, Tex., on the night of August 13-14, 1906, who shall make oath before any duly authorized enlisting officer of the United States Army or Navy that he did not participate in said affray, and that he does not know of any soldier belonging to any of said companies who did participate in the same, and that he has not at any time heretofore and does not now withhold any knowledge with respect to that occurrence which, if made public, would or might lead to the identification of any participant in said shooting affray or any accessory thereto, either before or after the fact, and that he has answered fully to the best of his knowledge and ability all questions that have been lawfully put to him by his officers or others in connection therewith, shall be, and hereby is, made eligible to reenlist in the military or naval forces of the United States on his application therefor at any

time within three months from and after the passage of this act, any statute or provision of law or order or regulation to the contrary notwithstanding; and that upon such reenlistment he shall be allowed full pay, according to the rank he held and the pay he was receiving at the date of discharge until his reenlistment: *Provided*, That all the rights and privileges to which the soldiers reenlisting under the provisions of this act were entitled, respectively, at the time of their discharge shall be, and hereby are, fully restored to them, and the record showing their discharge without honor shall be, and hereby is, annulled, set aside, and held for naught, and the time elapsing since their discharge without honor until the date of such reenlistment shall be computed in determining all rights to which they may be respectively entitled on account of continuous service as though they had been in the service without interruption, and they shall not suffer any forfeiture of any right or privilege by reason of such discharge: *Provided further*, That in any case where the regular term of enlistment which the soldier was serving at the time when discharged without honor has in the meanwhile expired, his record shall be, and hereby is, corrected so as to show an honorable discharge at the time of the expiration of such enlistment, and he shall be allowed full pay and all rights and privileges until that time; and in the event of the reenlistment of such soldier under the provisions of this act his term of reenlistment shall be deemed to have commenced as of the time when his previous enlistment expired, and his service under such reenlistment shall be without prejudice of any kind by reason of his former discharge without honor: *And provided further*, That in case any of the noncommissioned officers or enlisted men belonging to said companies and discharged without honor shall have died since they were so discharged and before the passage of this act, but who shall have testified under oath or made affidavit before their death that they did not participate in said shooting affray or have any knowledge with reference thereto, their respective records shall be, and hereby are, corrected in accordance with the provisions of this act and their legal representatives shall be entitled to all pay that would have become due to them from the time of their discharge until the time of their decease.

SEC. 2. That nothing in this act contained shall be construed to prohibit the prosecution and punishment of any soldier reenlisting under the provisions hereof as to whom it may at any time hereafter appear that he did participate in said shooting affray or have knowledge thereof which he has withheld.

SEC. 3. That all reenlistments under the provisions hereof of soldiers who at the time of their discharge without honor were serving terms of enlistment which have not yet expired shall be held to be for only the remaining portion of said unexpired terms, respectively.

It will be observed with respect to these measures that both of them proceed upon the assumption that some of the men, whether few or many, or all, who were discharged without honor, were innocent, and that justice requires that all such men should have an opportunity to reenlist and be restored to all the rights they lost by being discharged without honor.

It will also be observed that both of these bills provide that the men so reenlisting shall be paid in full for all the time since they were discharged without honor until their reenlistment. In other words, in a general way the proposition of both bills is that the innocent men shall be allowed to reenlist without loss of pay, and be restored to all the rights lost on account of their discharge.

The chief difference between the two bills is that, according to the bill introduced by the Senator from Missouri, the men who are to secure reenlistment in accordance with its terms and provisions are required, as a condition precedent, to prove their innocence to the satisfaction of the President; while under the bill I have offered as a substitute it is provided that all shall be allowed to reenlist—

who shall make oath before any duly authorized enlisting officer of the United States Army or Navy that he did not participate in said affray, and that he does not know of any soldier belonging to any of said companies who did participate in the same, and that he has not at any time heretofore and does not now withhold any knowledge with respect to that occurrence which, if made public, would or might lead to the identification of any participant in said shooting affray, or any accessory thereto, either before or after the fact, and that he has answered fully to the best of his knowledge and ability all questions that have been lawfully put to him by his officers or others in connection therewith.

There are other important differences, among them the following:

The bill offered by the Senator from Missouri does not authorize the correction of the records of the men who are to be reenlisted. That is necessary to enable them to have their rights to pensions, and other rights. His bill is silent on that point.

The bill offered by myself provides as follows:

\* \* \* The record showing their discharge without honor shall be, and hereby is, annulled, set aside, and held for naught.

This bill further provides:

That in any case where the regular term of enlistment which the soldier was serving at the time when discharged without honor has in the meanwhile expired, his record shall be, and hereby is, corrected so as to show an honorable discharge at the time of the expiration of such enlistment.

This bill further provides:

That in case any of the noncommissioned officers or enlisted men belonging to said companies and discharged without honor shall have died since they were so discharged and before the passage of this act, but who shall have testified under oath, or made affidavit before their death, that they did not participate in said shooting affray or have any knowledge with reference thereto, their respective records shall be, and hereby are, corrected in accordance with the provisions of this act, etc.

There are a number of cases to which this provision would be applicable—a number of cases as to which the law would fall in its purpose if it did not contain some such provision.

All these provisions as to the correction of the records of these men are absolutely necessary if we propose to meet all the cases that will arise and treat them as equity and justice require.

These bills differ in another respect. The order of the President discharging them without honor forever debarred them from reenlisting in either the Army or the Navy of the United States.

The bill introduced by the Senator from Missouri does not remove the bar against reenlisting in the Navy of the United States, while my bill does explicitly remove that bar.

The importance of this is not in the fact that these soldiers may want to reenlist in the Navy and find themselves debarred therefrom, but in the fact that so long as any part of said order of dismissal stands against them they are at least pro tanto in disgrace and deprived of rights to which they are entitled.

Another difference is in the fact that the bill of the Senator from Missouri does not restore to the noncommissioned officers who may reenlist the rank they held, which my bill does. Failure to do this would be a denial of justice.

Still other differences might be pointed out, but those mentioned are sufficient for present purposes.

The main difference is the first indicated. That shows that these bills are based on radically different theories.

The bill introduced by myself requires every man who seeks reenlistment to purge himself by making oath as to his innocence of every crime connected with the shooting affray; not only that he did not participate in the shooting, but that he has no knowledge with respect thereto and that he has not withheld any knowledge from anybody.

These are requirements with which these men can comply, and under all the circumstances the test is sufficient and all that should be asked.

It is now more than eighteen months since this shooting occurred. It is almost a year and a half since the men were discharged and became separated from each other.

They have been during all this period under surveillance and practically on trial.

Numerous investigations have been had. One by the grand jury of Cameron County, Tex., another by the Penrose court-martial, another by the Macklin court-martial, and another by the Senate Committee on Military Affairs.

Nearly all these men have in some connection or in some form or other testified as witnesses at least once, and all those regarded as most likely to have knowledge as often as two, three, or four times. They have been examined and cross-examined, but during all this period, and notwithstanding all these trials to which they have been subjected, not one iota of testimony has been adduced anywhere by anybody of any kind whatsoever to point to any particular one of the men as guilty of any offense of any nature in connection with or growing out of this shooting affray.

This fact alone, disregarding altogether their own positive testimony as to their innocence, should be enough to authorize the acceptance of the affidavits they will be required to make under the bill I have offered as a sufficient basis for their reenlistment, especially in view of the fact that it is provided in my bill—

That nothing in this act contained shall be construed to prohibit the prosecution and punishment of any soldier reenlisting under the provisions hereof as to whom it may at any time hereafter appear that he did participate in said shooting affray or have knowledge thereof which he has withheld.

If these men are innocent as they claim to be, they can not make other or further statement than my bill requires them to make, for all an innocent man can do if charged with the commission of an offense is to say he did not do it, and that he knows nothing whatever about it, except it be to account for his whereabouts at the time when the offense was committed, and that has been done by every man in this battalion who was present at Brownsville that night.

To require more is to require an impossibility, and to require a man to prove his innocence is to outrage justice by reversing the rule of evidence that obtains in every civilized country.

But the bill offered by the Senator from Missouri is most extraordinary in another respect. I venture to claim that it is without a precedent in all the history of the liberty-loving English-speaking nations of the earth.

It requires two things of these men in violation of the fundamental spirit of our institutions and which, in my opinion, it would be a disgrace to the Congress of the United States to exact:

First, that men accused of crime shall prove their innocence;

and, second, that they shall prove their innocence to the satisfaction of a judge who has already prejudged their case, not once, or twice, or three times, and casually, but repeatedly and officially, and each time with a manifestation of the most unequal conviction that not only some of the men discharged did the shooting, but that many, if not all of them, had knowledge of the perpetrators which, through a conspiracy of silence, they have refused to divulge.

In his message to the Senate of December 19, 1903, in response to resolutions of the Senate calling for information on the subject, the President said:

I am glad to avail myself of the opportunity afforded by these resolutions to lay before the Senate the following facts as to the murderous conduct of certain members of the companies in question, and as to the conspiracy by which many of the other members of these companies saved the criminals from justice, to the disgrace of the United States uniform.

In that same message, in another connection, he said:

As to the noncommissioned officers and enlisted men, there can be no doubt whatever that many were necessarily privy, after if not before the attack, to the conduct of those who took actual part in this murderous riot.

I refer to Major Blockson's report for proof of the fact that certainly some, and probably all, of the noncommissioned officers who were in charge of quarters, who were responsible for the gun racks and had keys thereto in their personal possession, knew what men were engaged in the attack.

Further along in that same message he said:

There is no question as to the murder and the attempt at murder; there is no question that some of the soldiers were guilty thereof; there is no question that many of their comrades privy to the deed have combined to shelter the criminals from justice.

Again, in that same message, he speaks on that same point, as follows:

So much for the original crime. A blacker never stained the annals of our Army. It has been supplemented by another only less black in the shape of a successful conspiracy of silence for the purpose of shielding those who took part in the original conspiracy of murder.

Further along in that same message he repeats, as follows:

Yet some of the noncommissioned officers and many of the men of the three companies in question have banded together in a conspiracy to protect the assassins and would-be assassins who have disgraced their uniform by the conduct above related. Many of them may have known circumstances which would lead to the conviction of those engaged in the murderous assault. They have stolidly and as one man broken their oaths of enlistment and refused to help discover the criminals.

In that same message occurs also the following:

Incidentally I may add that the soldiers of longest service and highest position, who suffered because of the order, so far as being those who deserve most sympathy, deserve least, for they are the very men upon whom we should be able especially to rely to prevent mutiny and murder.

In his message of January 14, submitting the Purdy testimony, occurs the following:

The evidence, as will be seen, shows beyond any possibility of honest question that some individuals among the colored troops whom I have dismissed committed the outrages mentioned, and that some or all of the other individuals whom I dismissed had knowledge of the deed and shielded from the law those who committed it.

And then, finally in that same message, as though afraid his numerous positive and unqualified statements on this point would not be believed, he said:

It is out of the question that the fifteen or twenty men engaged in the assault could have gathered behind the wall of the fort, begun firing, some of them on the porches of the barracks, gone out into the town, fired in the neighborhood of 200 shots in the town, and then returned—the total time occupied from the time of the first shot to the time of their return being somewhere in the neighborhood of ten minutes—without many of their comrades knowing what they had done.

Indeed, the fuller details as established by the additional evidence taken since I last communicated with the Senate make it likely that there were very few, if any, of the soldiers dismissed who could have been ignorant of what occurred. It is well-nigh impossible that any of the noncommissioned officers who were at the barracks should not have known what occurred.

While these assertions, repeated over and over again in the most extravagant language, show after all, as General Garlington reported, that there was no evidence to establish a conspiracy of silence, and that the charges and assertions that there was such a conspiracy rested only on deductions that there must have been such a conspiracy because nobody would tell of that about which all claimed to have no knowledge, yet that very fact but emphasizes the President's unfit state of mind to act judicially in passing upon the applications of these men to reenlist as proposed in the bill introduced by the Senator from Missouri.

If these men are innocent, as they claim and as I believe, what else could they have said or done? Will some man please tell what word any one of them has uttered or what thing any one of them has done inconsistent with the innocence they assert? And yet, because they have said and done precisely what as innocent men they should have said and done, for that very reason they are arraigned as guilty of conspiracy and

denounced in terms harsh enough to manifest exasperation because they will not confirm the charges against them and thereby establish an excuse for the crime that has been so inconsiderately committed against them and their rights, if they are in fact innocent, as they claim to be.

It would seem that we are to be carried back in the administration of justice to the days when men and women put on trial for witchcraft found no avenue of escape from punishment, brutality, and execution, except only in confession—to the days when if a man but stood mute he was liable to be put to death for it.

The President gives no intimation, except as already indicated, that his mind has undergone any change. He would therefore become judge of the worthiness of these men to reenlist if we should pass the bill introduced by the Senator from Missouri, firmly possessed of the conviction that very few, if any of them, were free from guilt. In other words, practically every man of the battalion would have to prove his innocence before one who has over and over again formally and publicly adjudged him guilty and denounced him as guilty in the severest language of censure and condemnation.

Another reason why this duty should not be intrusted to the President is that it would be impossible for him to act upon all these cases in detail, giving to the testimony of each of the 167 men, if all should apply to reenlist, that careful consideration which fair dealing would require.

It may be assumed that no one would expect him to personally examine the testimony in each case and pass judgment as the bill contemplates. He would of necessity have to call some one to his assistance to examine the testimony and advise him, but who would that be? Possibly the Secretary of War, who has expressed his agreement with the President in all he has said and done in the whole matter, and in every other matter. [Laughter.] But he, too, is a busy man, and would doubtless require the help of a suitable subordinate, and thus in all probability General Garlington, as the Inspector-General of the Army, and one of the officers who made a special investigation, would again come to the front, and to know his unfitness for such a duty we have but to recall that he testified before the Committee on Military Affairs that he would not believe anything anyone of these soldiers might say about this matter, even under oath, unless corroborated in some satisfactory way.

But if none of these should be called upon to assist the President, then somebody else—nobody knows who—would become the judicial adviser, to the satisfaction of whose whim the men would have to prove their innocence.

Moreover, how would such a proceeding be conducted? Would it be public or private? It is a constitutional right of the most important character that all trials upon indictments involving criminal charges and convictions shall be public, to the end that the public may see to it, through the power of public sentiment, that no man shall be unfairly condemned. This trial would not be within the letter, but it would be within the spirit of the Constitution, for these men are not now soldiers to be dealt with arbitrarily, but plain American citizens, invested with all the rights of citizenship, who are seeking not only a restoration of their good names, but also of valuable property rights, to all of which they are confessedly entitled, if not found guilty of crime. They should not be dealt with, therefore, in the dark, as though a lot of chattels, for that day for the American negro has forever passed, but as American citizens, entitled to the same rights white men would have under the same conditions.

In so far as we are to be governed by the fact that they were soldiers and may be soldiers again, we should remember, as Secretary Taft said of the white soldiers who shot up the town of Athens, Ohio, that they are, in a sense, the wards of the Government, and for that reason entitled, under such circumstances, to the protection of the Government in all their legal rights. And if we are to be further reminded, as we have been, that the President is the Commander in Chief of the Army, it is a sufficient answer that, while that is true, yet also it is true that he does not create the Army. It is not for him to say who shall enlist or reenlist. All that belongs to Congress.

In short, there is no excuse whatever for such a bill. To pass it would be but pretending to grant relief, for manifestly, unless there has been a decided change of mind, practically none would follow.

Our action would but add insult to injury. It would be without precedent, for it may be safely asserted that never before in the history of civilization has a legislative body been invited to require men accused of crime to prove their innocence before a hostile judge who has already adjudged them guilty; and never before has there been a suggestion that any man worthy to sit in judgment upon the rights of his

countrymen would accept such a duty if assigned him, if conscious of having the slightest prejudice against the accused.

By what right does the Senator from Missouri assume that the President is capable of such a manifest impropriety?

The vilest horse thief, the most dangerous burglar, or the bloodiest murderer would not be required either to prove his innocence or to submit to a trial before a judge who had in even the most casual way expressed the opinion that the defendant was guilty.

Such a performance would be justly denounced as a denial of one of the most sacred rights of citizenship and a lasting disgrace to the judge who perpetrated it.

Who are these men that it should be even suggested that they should be treated worse than common criminals?

They are at once both citizens and soldiers of the Republic. Aside from these charges, which they deny, their behavior, both in the Army and out of it, has justly excited the highest commendation. Their record is without spot or blemish.

They are typical representatives of a race that has ever been loyal to America and American institutions; a race that has never raised a hostile hand against our country's flag; a race that has contributed to the nation tens of thousands of brave defenders, not one of whom has ever turned traitor or faltered in his fidelity.

In every war in which we have permitted them to participate they have distinguished themselves for efficiency and valor. They have shed their blood and laid down their lives in the fierce shock of battle, side by side with their white comrades.

They are the direct and worthy successors of the brave men who so heroically died at Petersburg, at Wagner, and on scores of bloody fields that this nation might live.

Faithfully, uncomplainingly, with pride and devotion, they have performed all their duties and kept all their obligations.

They ask no favors because they are negroes, but only for justice because they are men. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair must admonish the occupants of the galleries that applause is not permitted under the rules of the Senate.

SPECIAL MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read, referred to the Committee on Naval Affairs, and ordered to be printed:

*To the Senate and House of Representatives:*

Let me again urge upon the Congress the need of providing for four battle ships of the best and most advanced type at this session. Prior to the recent Hague Conference it had been my hope that an agreement could be reached between the different nations to limit the increase of naval armaments, and especially to limit the size of war ships. Under these circumstances I felt that the construction of one battle ship a year would keep our Navy up to its then positive and relative strength. But actual experience showed not merely that it was impossible to obtain such an agreement for the limitation of armaments among the various leading powers, but that there was no likelihood whatever of obtaining it in the future within any reasonable time. Coincidentally with this discovery occurred a radical change in the building of battle ships among the great military nations—a change in accordance with which the most modern battle ships have been or are being constructed, of a size and armament which doubles, or more probably trebles, their effectiveness. Every other great naval nation has or is building a number of ships of this kind; we have provided for but two, and therefore the balance of power is now inclining against us. Under these conditions, to provide for but one or two battle ships a year is to provide that this nation, instead of advancing, shall go backward in naval rank and relative power among the great nations. Such a course would be unwise for us if we fronted merely on one ocean, and it is doubly unwise when we front on two oceans. As Chief Executive of the Nation, and as Commander in Chief of the Navy, there is imposed upon me the solemn responsibility of advising the Congress of the measures vitally necessary to secure the peace and welfare of the Republic in the event of international complications which are even remotely possible. Having in view this solemn responsibility, I earnestly advise that the Congress now provide four battle ships of the most advanced type. I can not too emphatically say that this is a measure of peace and not of war. I can conceive of no circumstances under which this Republic would enter into an aggressive war; most certainly, under no circumstances would it enter into an aggressive war to extend its territory or in any other manner seek material aggrandizement. I advocate that the United States build a navy commensurate with its powers and its needs, because I feel that such a navy

will be the surest guaranty and safeguard of peace. We are not a military Nation. Our Army is so small as to present an almost absurd contrast to our size, and is properly treated as little more than a nucleus for organization in case of serious war. Yet we are a rich Nation, and undefended wealth invites aggression. The very liberty of individual speech and action which we so prize and guard, renders it possible that at times unexpected causes of friction with foreign powers may suddenly develop. At this moment we are negotiating arbitration treaties with all the other great powers that are willing to enter into them. These arbitration treaties have a special usefulness, because in the event of some sudden disagreement they render it morally incumbent upon both nations to seek first to reach an agreement through arbitration, and at least secure a breathing space during which the cool judgment of the two nations involved may get the upper hand over any momentary burst of anger. These arbitration treaties are entered into not only with the hope of preventing wrongdoing by others against us, but also as a proof that we have no intention of doing wrong ourselves.

Yet it is idle to assume, and from the standpoint of national interest and honor it is mischievous folly for any statesman to assume, that this world has yet reached the stage, or has come within measurable distance of the stage, when a proud nation, jealous of its honor and conscious of its great mission in the world, can be content to rely for peace upon the forbearance of other powers. It would be equally foolish to rely upon each of them possessing at all times and under all circumstances and provocations an altruistic regard for the rights of others. Those who hold this view are blind indeed to all that has gone on before their eyes in the world at large. They are blind to what has happened in China, in Turkey, in the Spanish possessions, in Central and South Africa, during the last dozen years. For centuries China has cultivated the very spirit which our own peace-at-any-price men wish this country to adopt. For centuries China has refused to provide military forces and has treated the career of the soldier as inferior in honor and regard to the career of the merchant or of the man of letters. There never has been so large an empire which for so long a time has so resolutely proceeded on the theory of doing away with what is called "militarism." Whether the result has been happy in internal affairs I need not discuss; all the advanced reformers and far-sighted patriots in the Chinese Empire are at present seeking (I may add, with our hearty good will) for a radical and far-reaching reform in internal affairs. In external affairs the policy has resulted in various other nations now holding large portions of Chinese territory, while there is a very acute fear in China lest the empire, because of its defenselessness, be exposed to absolute dismemberment, and its well-wishers are able to help it only in a small measure, because no nation can help any other unless that other can help itself.

The State Department is continually appealed to to interfere on behalf of peoples and nationalities who insist that they are suffering from oppression; now Jews in one country, now Christians in another; now black men said to be oppressed by white men in Africa. Armenians, Koreans, Finns, Poles, representatives of all appeal at times to this Government. All of this oppression is alleged to exist in time of profound peace, and frequently, although by no means always, it is alleged to occur at the hands of people who are not very formidable in a military sense. In some cases the accusations of oppression and wrongdoing are doubtless ill founded. In others they are well founded, and in certain cases the most appalling loss of life is shown to have occurred, accompanied with frightful cruelty. It is not our province to decide which side has been right and which has been wrong in all or any of these controversies. I am merely referring to the loss of life. It is probably a conservative statement to say that within the last twelve years, at periods of profound peace and not as the result of war, massacres and butcheries have occurred in which more lives of men, women, and children have been lost than in any single great war since the close of the Napoleonic struggles. To any public man who knows of the complaints continually made to the State Department there is an element of grim tragedy in the claim that the time has gone by when weak nations or peoples can be oppressed by those that are stronger without arousing effective protest from other strong interests. Events still fresh in the mind of every thinking man show that neither arbitration nor any other device can as yet be invoked to prevent the gravest and most terrible wrongdoing to peoples who are either few in numbers or who, if numerous, have lost the first and most important of national virtues—the capacity of self-defense.

When a nation is so happily situated as is ours—that is, when it has no reason to fear or to be feared by its land neighbors—the fleet is all the more necessary for the preservation of peace.

Great Britain has been saved by its fleet from the necessity of facing one of the two alternatives of submission to conquest by a foreign power, or of itself becoming a great military power. The United States can hope for a permanent career of peace on only one condition, and that is on condition of building and maintaining a first-class navy; and the step to be taken toward this end at this time is to provide for the building of four additional battle ships. I earnestly wish that the Congress would pass the measures for which I have asked for strengthening and rendering more efficient the Army as well as the Navy; all of these measures as affecting every branch and detail of both services are sorely needed, and it would be the part of farsighted wisdom to enact them all into laws; but the most vital and immediate need is that of the four battle ships.

To carry out this policy is but to act in the spirit of George Washington; is but to continue the policies which he outlined when he said, "Observe good faith and justice toward all nations. Cultivate peace and harmony with all. \* \* \* Nothing is more essential than that permanent, inveterate antipathies against particular nations and passionate attachments for others should be excluded, and that in place of them just and amicable feelings toward all should be cultivated. \* \* \*

"I can not recommend to your notice measures for the fulfillment of our duties to the rest of the world without again pressing upon you the necessity of placing ourselves in a condition of complete defense and of exacting from them the fulfillment of their duties toward us. The United States ought not to indulge a persuasion that, contrary to the order of human events, they will forever keep at a distance those painful appeals to arms with which the history of every other nation abounds. There is a rank due to the United States among nations which will be withheld, if not absolutely lost, by the reputation of weakness. If we desire to avoid insult, we must be able to repel it; if we desire to secure peace, one of the most powerful instruments of our rising prosperity, it must be known that we are at all times ready for war."

THEODORE ROOSEVELT.

THE WHITE HOUSE, April 14, 1908.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to, and (at 3 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 15, 1908, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

TUESDAY, April 14, 1908.

[Continuation of the legislative day of Monday, April 6, 1908.]

The recess having expired, the House, at 11.30 a. m., was called to order by the Speaker.

### NAVAL APPROPRIATION BILL.

The SPEAKER. The question is on the motion of the gentleman from Illinois, that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the naval appropriation bill.

The question was taken, and on a division (demanded by Mr. WILLIAMS) there were—ayes 60, noes 26.

Mr. WILLIAMS. Mr. Speaker, I call for the yeas and nays.

Mr. PAYNE. I make the point that there is no quorum.

Mr. WILLIAMS. Mr. Speaker, I make the point of order that the gentleman's point of no quorum is dilatory. [Laughter.]

The SPEAKER. The point of order is not sustained. [Laughter.] The Doorkeeper will close the doors, the Sergeant-at-Arms will notify absent Members, and all those in favor of the motion, when their names are called, will answer "yea," and those opposed will answer "nay," and those present will answer "present," and the Clerk will call the roll.

The question was taken, and there were—yeas 227, nays 5, answered "present" 16, not voting 139, as follows:

YEAS—227.

Adair	Brodhead	Cockran	Douglas
Adamson	Burke	Cocks, N. Y.	Draper
Alexander, Mo.	Burleigh	Cook, Colo.	Driscoll
Allen	Burleson	Cooper, Tex.	Dwight
Ames	Burnett	Cooper, Wis.	Ellerbe
Anthony	Burton, Del.	Cox, Ind.	Ellis, Mo.
Ashbrook	Butler	Craig	Ellis, Oreg.
Bartoldt	Byrd	Cravens	Englebright
Bartlett, Ga.	Caldwell	Crumppacker	Esch
Bates	Campbell	Curler	Fairchild
Beall, Tex.	Candler	Cushman	Ferris
Bell, Ga.	Capron	Dalzell	Finley
Bennett, Ky.	Carter	Davis, Minn.	Flood
Birdsall	Cary	Dawson	Floyd
Bonyng	Caulfield	De Armond	Foss
Boomer	Chancy	Denver	Foster, Ill.
Bowers	Chapman	Dickema	Foster, Ind.
Brantley	Clark, Mo.	Dixon	Foster, Vt.

Foulkrod	Hubbard, W. Va.	McMillan	Scott
French	Hughes, N. J.	Macon	Sheppard
Fuller	Hull, Iowa	Madden	Sherley
Fulton	Hull, Tenn.	Madison	Sherwood
Gaines, W. Va.	Humphrey, Wash.	Mann	Sims
Gardner, Mich.	Humphreys, Miss.	Marshall	Slayden
Gardner, N. J.	James, Oille M.	Miller	Slamp
Garner	Johnson, S. C.	Moore, Pa.	Small
Garrett	Jones, Wash.	Moore, Tex.	Smith, Iowa
Gilliams	Kahn	Morse	Smith, Mich.
Gillett	Keller	Mudd	Smith, Tex.
Godwin	Kelher	Murphy	Sperry
Goebel	Kennedy, Iowa	Needham	Spight
Graff	Kennedy, Ohio	Neison	Stafford
Granger	Kitchin, Claude	Norris	Steenerson
Greene	Knapp	Nye	Sterling
Gregg	Knowland	O'Connell	Sturgiss
Hackett	Kuftermann	Olcott	Sullivan
Hackney	Lamar, Mo.	Padgett	Talbot
Hale	Landis	Page	Tawney
Hamilton, Mich.	Laning	Parker, N. J.	Taylor, Ohio
Hardwick	Lassiter	Parsons	Thistlewood
Hardy	Lawrence	Payne	Thomas, N. C.
Haskins	Leake	Perkins	Thomas, Ohio
Haugen	Lewis	Porter	Tirrell
Hawley	Lindbergh	Pray	Tou Velle
Hayes	Littlefield	Rauch	Townsend
Hedin	Livingston	Reeder	Volstead
Helm	Longworth	Reld	Wanger
Henry, Conn.	Loud	Reynolds	Washburn
Henry, Tex.	Loudenslager	Rhineck	Watson
Higgins	Lovering	Richardson	Willett
Hinsaw	Lowden	Robinson	Williams
Holliday	McCall	Rodenberg	Wilson, Ill.
Houston	McCreary	Rothermel	Wilson, Pa.
Howell, N. J.	McGavin	Rucker	Wood
Howell, Utah	McGuire	Russell, Mo.	Woodyard
Howland	McKinley, Ill.	Russell, Tex.	Young
Hubbard, Iowa	McLaughlin, Mich.	Sabath	

NAYS—5.

Ansberry	Hobson	Jones, Va.	Peters
Hay			

ANSWERED "PRESENT"—16.

Alexander, N. Y.	Cousins	Griggs	Moon, Tenn.
Bennet, N. Y.	Fassett	Jenkins	Shackleford
Brownlow	Gordon	Langley	Sherman
Clayton	Goulden	McDermott	Sparkman

NOT VOTING—139.

Acheson	Durey	Kimball	Pollard
Alken	Edwards, Ga.	Kinkaid	Pou
Andrus	Edwards, Ky.	Kipp	Powers
Bannon	Favrot	Kitchin, Wm. W.	Pratt
Barchfeld	Fitzgerald	Knopf	Prince
Barclay	Focht	Lafcan	Pujo
Bartlett, Nev.	Fordney	Lamar, Fla.	Rainey
Beale, Pa.	Fornes	Lamb	Randell, Tex.
Bede	Fowler	Law	Randell, La.
Bingham	Gaines, Tenn.	Lee	Riordan
Boutell	Gardner, Mass.	Legare	Roberts
Boyd	Gill	Lenahan	Ryan
Bradley	Gillespie	Lever	Saunders
Broussard	Glass	Lilley	Smith, Cal.
Brumm	Goldfogle	Lindsay	Smith, Mo.
Brundidge	Graham	Lloyd	Snapp
Burgess	Gronna	Lorimer	Southwick
Burton, Ohio	Haggott	McHenry	Stanley
Calder	Hamill	McKinlay, Cal.	Stephens, Tex.
Calderhead	Hamilton, Iowa	McKinney	Stevens, Minn.
Carlin	Hamlin	McLaughlin, Cal.	Sulzer
Clark, Fla.	Hammond	McMorran	Taylor, Ala.
Cole	Harding	Malby	Underwood
Conner	Harrison	Maynard	Vreeland
Cook, Pa.	Hepburn	Mondell	Wallace
Cooper, Pa.	Hill, Conn.	Moon, Pa.	Watkins
Coudrey	Hill, Miss.	Mouser	Webb
Crawford	Hitchcock	Murdock	Weeks
Darragh	Howard	Nicholls	Weems
Davenport	Huff	Olmsted	Wells
Davey, La.	Hughes, W. Va.	Overstreet	Wheeler
Davidson	Jackson	Parker, S. Dak.	Wiley
Dawes	James, Addison	Patterson	Wolf
Denby	Johnson, Ky.	Pearre	
Dunwell			

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. KNOPF with Mr. WEISSE.

Mr. BENNET of New York with Mr. FORNES.

Mr. BRADLEY with Mr. GOULDEN.

Mr. SHERMAN with Mr. RIORDAN.

Mr. BOUTELL with Mr. GRIGGS.

Until further notice:

Mr. LANGLEY with Mr. HAMLIN.

Mr. ALEXANDER of New York with Mr. RYAN.

Mr. WHEELER with Mr. DAVENPORT.

Mr. JENKINS with Mr. CLARK of Florida.

Mr. COUSINS with Mr. HOWARD.

Mr. BINGHAM with Mr. DAVEY of Louisiana.

Mr. ADDISON D. JAMES with Mr. KIMBALL.

Mr. POLLARD with Mr. LEVER.

Mr. BARCHFIELD with Mr. LINDSAY.

Mr. ROBERTS with Mr. BROUSSARD.

Mr. HAGGOTT with Mr. WILLIAM W. KITCHIN.

Mr. MCKINNEY with Mr. PATTERSON.

Mr. FOSTER of Vermont with Mr. POU.  
 Mr. COUDREY with Mr. EDWARDS of Georgia.  
 Mr. ACHESON with Mr. LAMAR of Florida.  
 Mr. HUFF with Mr. SULZER.  
 For this day:  
 Mr. COOPER of Pennsylvania with Mr. KIPP.  
 Mr. SOUTHWICK with Mr. WEBB.  
 Mr. PEARRE with Mr. SAUNDERS.  
 Mr. MOON of Pennsylvania with Mr. PUJO.  
 Mr. HUGHES of West Virginia with Mr. LEE.  
 Mr. HEPBURN with Mr. LAMB.  
 Mr. DAWES with Mr. FAVROT.  
 Mr. BEDE with Mr. SHACKLEFORD.  
 Mr. PRINCE with Mr. GLASS.  
 Mr. POWERS with Mr. PRATT.  
 Mr. FASSETT with Mr. BARTLETT of Nevada.  
 Mr. HARDING with Mr. CLAYTON.  
 Mr. ANDRUS with Mr. AIKEN.  
 Mr. BANNON with Mr. BRUNDIDGE.  
 Mr. BARCLAY with Mr. BURGESS.  
 Mr. BEALE of Pennsylvania with Mr. CARLIN.  
 Mr. BRUMM with Mr. CRAWFORD.  
 Mr. BURTON with Mr. FITZGERALD.  
 Mr. CALDER with Mr. GILL.  
 Mr. CALDERHEAD with Mr. GILLESPIE.  
 Mr. COLE with Mr. GOLDFOGLE.  
 Mr. CONNER with Mr. HAMIL.  
 Mr. DARRAGH with Mr. HAMILTON of Iowa.  
 Mr. DAVIDSON with Mr. HAMMOND.  
 Mr. DUNWELL with Mr. HARRISON.  
 Mr. FOCHT with Mr. HILL of Mississippi.  
 Mr. GRAHAM with Mr. HITCHCOCK.  
 Mr. GRONNA with Mr. JOHNSON of Kentucky.  
 Mr. HILL of Connecticut with Mr. LEGARE.  
 Mr. JACKSON with Mr. LENAHEAN.  
 Mr. LAFEAN with Mr. LLOYD.  
 Mr. LAW with Mr. MCHENRY.  
 Mr. MCKINLAY of California with Mr. McLAIN.  
 Mr. McLAUGHLIN of Michigan with Mr. NICHOLLS.  
 Mr. MALBY with Mr. RAINEY.  
 Mr. McMORRAN with Mr. RANDELL of Texas.  
 Mr. OLMSTED with Mr. RANDELL of Louisiana.  
 Mr. PARKER of South Dakota with Mr. SMITH of Missouri.  
 Mr. SMITH of California with Mr. STANLEY.  
 Mr. SNAPP with Mr. TAYLOR of Alabama.  
 Mr. STEVENS of Minnesota with Mr. UNDERWOOD.  
 Mr. VREELAND with Mr. WATKINS.  
 Mr. WALDO with Mr. WALLACE.  
 Mr. WEEKS with Mr. WOLF.  
 On this vote:  
 Mr. WEEMS with Mr. WILEY.  
 Until Wednesday:  
 Mr. BROWNLOW with Mr. GAINES of Tennessee.  
 For one week:  
 Mr. OVERSTREET with Mr. MOON of Tennessee.

The result of the vote was announced as above recorded.  
 The doors were opened. Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20471, the naval appropriation bill, with Mr. MANN in the chair.

The CHAIRMAN. Without objection the Clerk will report the pending amendment.  
 The Clerk read as follows:  
 On page 35, lines 7 and 8, strike out "\$100,000."

Mr. WILLIAMS. Mr. Chairman, I want to make a point here, if the Chair will permit me. The Chair said, "Without objection the Clerk will report the pending amendment." The Clerk then immediately proceeded to report it. I did not care to object in this particular case, but I think it would be better always to leave an opportunity for an objection, instead of immediately proceeding to report. The Chair never did put the question to the committee as to whether the committee would or would not object.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. JONES.]

Mr. CRUMPACKER. Mr. Chairman, I am not satisfied with the way this proposition is presented to the committee for consideration. When the House was considering the fortification bill, I was led to believe that the contest between Subic Bay and Manila Bay, respecting which should be created a naval base in the Orient, had been finally and definitely determined; that Subic Bay had been abandoned for that purpose, and that Manila Bay had been settled upon. Now, the chairman of the Committee on Naval Affairs practically states to the House that it is the purpose, as I interpret his remarks, of that com-

mittee to appropriate money so that Subic Bay may be created a permanent naval base, and he supplies the House with arguments calculated to justify that conclusion. He makes the statement that Subic Bay is the only proper place for a naval base in the Philippine Archipelago. It seems that the naval experts insist that Subic Bay should be adopted because it has the water, it has the better front, and the Army experts insist that Manila Bay should be made a naval base, because it can be protected from the rear. The result is that the Navy is proceeding to improve Subic Bay, and the War Department is proceeding to improve Manila Bay. It will of course inevitably result in the establishment of two naval bases in the Philippine Islands, only about 60 miles apart. Until this question is finally settled I do not believe the Administration ought to ask Congress for any money to expend in the establishment of a naval base in the Philippines. We ought to know where the money is going, at least we ought to have the matter finally determined. This controversy between the Army and the Navy has been going on for six or eight years. We have had it up and discussed it on the consideration of every naval appropriation bill for the last five or six years to my positive recollection. It seems to me the time has come when we ought to know, we ought to be informed as to what has been done in relation to the establishment of a naval base in the Philippine Archipelago. I do not believe the Congress is ready to appropriate for two naval bases there, and if the appropriation under consideration is to be used for the establishment of a naval base in Subic Bay it seems to me that it ought to be voted out of the bill until this question is finally and conclusively determined.

Mr. HOBSON. I would like to ask the gentleman if he regards an appropriation of fifty thousand and odd dollars for Cavite and \$100,000 for Subic Bay as sufficient to establish the naval base anywhere.

Mr. CRUMPACKER. It depends upon what the appropriation is to be used for. I am interpreting this appropriation in the light of the remarks of the gentleman from Illinois [Mr. Foss], who is chairman of the Committee on Naval Affairs. I understand from the speech he made yesterday that as far as his influence goes the money will be used toward establishing a permanent naval base at Subic Bay. He furnished arguments that seemed to convince himself that Subic Bay was the only eligible point for a permanent naval base in the archipelago.

Mr. HOBSON. I will put the question in this way: In case Subic Bay was adopted as a naval base, would the gentleman recommend the abandonment of the naval station that exists at Cavite, and would he recommend leaving out the modest appropriation carried in this bill to maintain that third-class station in an efficient condition?

Mr. CRUMPACKER. I only got a portion of the gentleman's question, but I understand that it is the policy of the War Department to fortify and protect Subic Bay to prevent a hostile fleet from finding lodgment and a haven of safety there. I understand that is the policy of the War Department, and the Committee on Appropriations recently informed the House and the country that the place had been finally determined upon by the Department. If the purpose of this appropriation is to carry out that policy I have no criticism to make of it at all, but if it is to carry out a policy of establishing a permanent naval base at Subic Bay and we are to have another permanent naval base at Manila Bay, then I am opposed to the appropriation.

Mr. PAYNE. Mr. Chairman, I would like to ask the gentleman a question. I would like to ask him whether he could not offer an amendment testing the sense of the House upon that proposition by putting a proviso after this appropriation that none of the money was to be expended for the establishment of a permanent naval base at Subic Bay, or Olongapo, as it is termed in the bill. It seems to me that Congress ought to establish where the naval station is to be.

Mr. CRUMPACKER. Mr. Chairman, acting upon the suggestion of the gentleman from New York, I propose to offer an amendment to the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CRUMPACKER. I ask to have my time extended to offer this amendment.

The CHAIRMAN. The gentleman from Indiana asks unanimous consent to speak for five minutes additional. Is there objection? [After a pause.] The Chair hears none.

Mr. CRUMPACKER. I offer this amendment, which I wish the Clerk would take, as I have not had time to reduce it to writing:

*Provided*, That no part of the appropriation carried in this paragraph shall be used for the establishment of a permanent naval station at Olongapo.

Mr. LONGWORTH. Will the gentleman yield for a question? Would it not be well to strike out the word "development" in connection with your amendment?

Mr. CRUMPACKER. Well, it might be; I have put the amendment in as a limitation.

The CHAIRMAN. The Clerk will report the amendment. The gentleman has not stated where the amendment is to go.

Mr. CRUMPACKER. At the end of the paragraph.

The CHAIRMAN. The Chair will inform the gentleman from Indiana that there is an amendment pending.

Mr. CRUMPACKER. I did not have in mind that there was already one amendment pending to the paragraph. When that is disposed of I will offer the amendment which I have sent to the Clerk's desk, and Mr. Chairman—

Mr. KEIFER. I would like to know what the pending amendment is. There is so much confusion—

Mr. CRUMPACKER. The pending amendment offered by the gentleman from Virginia is to strike out the \$100,000 appropriated. Now, the object of my amendment is to leave the question as to where a permanent naval base shall be where the joint commission has left it.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. CRUMPACKER. I think it is important to determine that question and not go on making appropriations at random on the principle that if it is a deer we will hit it and if it is a calf we will miss it. I think the question ought to be settled now. I yield to the gentleman from Illinois.

Mr. MADDEN. The gentleman said a moment ago he was anxious to determine where the permanent naval base shall be. Would the amendment offered by the gentleman determine that question?

Mr. CRUMPACKER. Well, it would determine it in so far as this appropriation goes—as far as we can do it in an appropriation bill. The fortifications appropriation bill contained no specific direction as to how the appropriation should be expended. It was an appropriation of a lump sum to be used in the Philippine Islands, but the gentleman in charge of the bill informs us that the joint Army and Navy board had finally settled upon Manila Bay as a naval base in the islands, but that appropriations should be made for the fortification and protection of Subic Bay to prevent a hostile fleet from occupying it and finding a harbor of safety there.

Mr. MADDEN. Could the gentleman yield to this further question?

Mr. CRUMPACKER. I will yield.

Mr. MADDEN. Does the gentleman believe it is wise to determine upon a place as a permanent naval base where it is impossible to get a ship within 2 miles of where the naval base is established?

Mr. CRUMPACKER. That is a question. The Committee on Appropriations informed the House not two weeks ago that that matter had been finally determined, and that the money carried in the bill should be used, so far as it was used at all, in establishing a naval base at Manila.

Mr. MADDEN. That related to Army fortifications.

Mr. CRUMPACKER. It was announced at that time that the question had been fully and finally determined. Now, if it has not been determined, if it is an open question, is the Army or fortification money to be expended in fortifying Manila Bay in view of locating the naval base, or is the money carried in the naval bill to be expended in improving Subic Bay with the view of making that the permanent naval base? Some authority ought to determine which of these two points shall be the permanent naval base in the archipelago. It is an important matter. It ought to be determined now before any more money is expended down there.

Mr. FOSS. May I interrupt the gentleman just a moment?

Mr. KEIFER and Mr. TAWNEY rose.

Mr. CRUMPACKER. I yield to the gentleman from Illinois [Mr. Foss].

Mr. FOSS. Will the gentleman yield?

Mr. CRUMPACKER. For what?

Mr. FOSS. I wish to correct a misapprehension.

Mr. CRUMPACKER. The gentleman can make a statement when I have finished. I am about through.

Mr. FOSS. I wish to state something in this connection, if I can.

The CHAIRMAN. The time of the gentleman from Indiana [Mr. CRUMPACKER] has expired.

Mr. FOSS. Mr. Chairman, I wish to correct a misapprehension on the part of some of the Members of this House. It is true that a joint Army and Navy board has made a recommendation for a naval station at Manila Bay, but it is not true that that recommendation has been approved by the Navy

Department. I have here a letter from the secretary of the General Board, Admiral Dewey being himself the president of the General Board, stating:

Admiral Dewey desires Mr. Foss's attention called to the fact that whereas a recent recommendation of the joint board in connection with Subic and Manila has been quoted in the discussion in the House on the naval bill this recommendation has not yet been approved.

Mr. TAWNEY. Will the gentleman permit a question?

Mr. FOSS. I will.

Mr. TAWNEY. In view of that fact, does not the gentleman think that it would be far more wise for us to postpone any appropriation looking toward the establishment of a naval base until the board has finally approved or disapproved the recommendation of the joint Navy and Army board?

Mr. FOSS. We make, in this bill, an appropriation of \$100,000 for Olongapo and a reappropriation of another \$100,000, which we believe will be necessary during the coming fiscal year.

Mr. SHERLEY. Is it not also true that in this bill you have items appropriating money for officers' quarters and amusement halls at Olongapo, and is it not true that both the gentleman from Illinois [Mr. Foss] and the gentleman from Alabama [Mr. Hobson] yesterday stated on the floor that all this was looking to the making of a permanent naval base at Olongapo?

Mr. FOSS. We have put in here an appropriation. We have about 1,000 marines at Olongapo, and we have made an appropriation here of \$10,000 for a little amusement hall for the men, and \$10,000 for officers' quarters.

Mr. SHERLEY. Did not the gentleman yesterday state that it was the idea of the Navy to make of Olongapo a naval base?

Mr. FOSS. I hold, Mr. Chairman, that Congress, in 1904, established a naval station at Subic Bay. That is the proposition that I hold to. And I hold to the further fact that every Secretary of the Navy during the last five, six, or seven years—and we have had five of them—have stood by that proposition; and I hold further that joint board after joint board has declared in favor of Subic Bay, and I hold further that there is no place in Manila Bay where you can locate the dry dock. And not only that, but I have the opinion of Admiral Dewey himself.

Mr. SHERLEY. Is not the official opinion of Admiral Dewey to this effect—that the alternative is to locate the naval base in Manila Bay? Did he not use that language as the senior member of the joint board, and is that not of as late a date as January 31, 1908?

Mr. FOSS. Admiral Dewey has said there is only one base on which to locate the naval training station, but the Army has said we can not defend the naval station. Well, where is there a naval station anywhere that the Army has defended?

Not only that, but the question in the Philippines is not defense by the Army.

Mr. SHERLEY. But as a fact, did not—

Mr. FOSS. Just one moment. The real question in the Philippines will be, Who will defend the Army? How long can the Army stay in the Philippines if you have no communication between the Philippines and this country? How long could we hold the Philippines if it were not for the Navy? Why, Admiral Dewey once said in his testimony before the committee that General Young, of the Army, told him that the Army could not stay in the Philippines six weeks without the Navy. You talk about the Army defending the Navy. I say to you that in its last analysis it will be the Navy that will defend the Army. It will be the Navy that will keep our flag aloft in the sky over the Philippine Archipelago. [Loud applause.] It will be the Navy, and it will depend entirely upon the control of the sea. That is the proposition in a nutshell before you in the final and last analysis. [Renewed applause.]

Mr. SHERLEY. Now, will the gentleman allow me?

Mr. FOSS. I yield to the gentleman now.

Mr. SHERLEY. Without discussing that question, is not this the fact—that Admiral Dewey, having in mind both the Army and the Navy, as senior member of the joint committee, formally and officially declared in favor of Cavite against Olongapo? That can be answered "yes" or "no."

The CHAIRMAN. The time of the gentleman has expired.

Mr. SHERLEY. I ask unanimous consent that the gentleman from Illinois may have five minutes longer.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SHERLEY. I would like now to have an answer to that question.

Mr. FOSS. Admiral Dewey informed me that this matter has not yet been definitely decided.

Mr. SHERLEY. I will ask the gentleman if Admiral Dewey did not officially, as a member of the joint board, having in

view the opinions of both the Army and Navy, declare in favor of Cavite as against Olongapo? If the gentleman does not want to answer, I will read from his speech yesterday in which he puts the report.

Mr. FOSS. The report speaks for itself. The naval authorities are in favor of Subic Bay; the Army has come along and said, "We can not defend Subic Bay." But I say to you, we want no defense from the Army for Subic Bay. The Navy will defend its own naval base. We could put a great ship in that harbor and train its guns on the hills around. What are you afraid of? Are you afraid of the Filipino? He is not hostile. Who are we to defend it against? Is it from an invading army coming from China or Japan? Well, sir, if we control the seas no invading army will ever come to the Philippines. The whole question of the defense of the Philippines is simply a question of the control of the seas. If we lose control of the sea, then we lose our sovereignty in the Philippines; and our Army, where will they go? They will come back if they can possibly get back.

Now, Mr. Chairman, I want to say that you can not find in Manila Bay anywhere a place to put this dock. Look over this harbor, if you will [indicating on a map]. I wish some of those gentlemen who are so anxious to locate the dry dock and a navy-yard in Manila Bay would come here and point out some place where you could place this great floating dock, which requires a depth of water of 50 or 60 feet. I would be glad for some gentleman to do it. Here is Cavite [indicating on map]. Look at the depth of water around Cavite—15, 18, 20 feet at the most; some places 14, quite a distance away. You can only get the very smallest vessels up to it. In our hearings before the committee Admiral Dewey said you can not get within 2 miles in a battle ship, and all the repairs which are being made are being made upon vessels of very light draft.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. FOSS. I can not now.

Mr. SHERLEY. I got the gentleman his additional time.

Mr. FOSS. What is the situation here as to Olongapo? Great depth of water, 50 and 60 feet. Olongapo is in Subic Bay, right up here [indicating on map]. Spending very little in dredging, you can have any depth of water.

Mr. NORRIS. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. NORRIS. The gentleman from Illinois has now left the space in front of the desk where the map is hanging, so that perhaps there is no occasion for stating the point; but I wanted to call attention to the fact that there was still room for one or two more people around the map. [Laughter.]

The CHAIRMAN. The gentleman is not stating a point of order.

Mr. FOSS. Now, Mr. Chairman, I want to say further, I called at the Navy Department and asked them whether they had received an estimate for dredging a channel for taking a battle ship up to the navy-yard at Cavite, and they replied that they had received an estimate from the commissioner of navigation over in the Philippines.

Mr. MADDEN. How much was it?

Mr. FOSS. It was \$5,500,000, and those estimates were not based on borings at all.

Mr. JONES of Virginia. Will the gentleman allow me to ask him a question right there?

Mr. FOSS. Not just at this time.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOSS. I ask unanimous consent for five minutes more.

There was no objection.

Mr. SHERLEY. Mr. Chairman, will the gentleman yield?

Mr. FOSS. I would rather not.

Mr. SHERLEY. Simply for a question?

Mr. FOSS. Yes.

Mr. SHERLEY. Will the gentleman tell the committee how much money will have to be expended in dredging in order to make Subic Bay suitable for a naval base?

Mr. FOSS. We have spent hardly any money at all in dredging at Subic Bay.

Mr. SHERLEY. I did not ask that. I asked how much money would have to be expended under the estimates made at the Navy Department.

Mr. FOSS. I do not know how much. I have not the estimates here, but nothing as compared with Cavite.

Mr. SHERLEY. Is it not a matter of over \$3,000,000?

Mr. FOSS. No; I think not. Not in my judgment.

Mr. SHERLEY. I was so informed.

Mr. BATES. About \$2,000,000.

Mr. FOSS. We have expended hardly any money at all for

dredging there. The only appropriation for dredging at Subic Bay has been a little over \$50,000. We have expended in all in Subic Bay about \$2,500,000 to \$2,750,000, of which \$500,000 has been for a coaling plant; \$1,250,000 has been for the floating dry dock, which makes \$1,750,000, and the difference between that and the total amount of the appropriation is \$750,000 to \$1,000,000. That is all we have expended there, and we have been docking our ships and repairing them, and it is the only place where you can put the dry dock.

Mr. BUTLER. Will my colleague yield for one question?

Mr. FOSS. Yes.

Mr. BUTLER. If this station is abolished, where will we repair our battle ships and other ships of war in the Philippine Islands?

Mr. FOSS. I do not know.

Mr. BUTLER. Is there any other place?

Mr. FOSS. The gentleman from Kentucky perhaps can tell.

Mr. SHERLEY. The gentleman can tell you what Admiral Dewey said, as the ranking member of the board, when he recommended Cavite, if that will satisfy the gentleman from Illinois.

Mr. BUTLER. Admiral Dewey recommended Subic Bay, and Admiral Dewey's word induced the Committee on Naval Affairs—

Mr. SHERLEY. I have here the final report, placed in the Record by the gentleman from Illinois, of date of January 31, 1908, in which Admiral Dewey, in the fourth proviso, says that the alternative is to locate the naval base in Manila Bay.

Mr. JONES of Virginia. And he spoke for the unanimous joint board.

Mr. SHERLEY. He spoke for all of them.

Mr. GAINES of West Virginia. He spoke of that as an alternative, but will the gentleman tell us which proposition he favors?

Mr. SHERLEY. He favors that, considering the position of both the Army and the Navy, as to the defense of the two places, and the final unanimous conclusion of that board was in favor of Manila as against Olongapo.

Mr. FOSS. I will say to the gentleman from West Virginia that the joint board has reported for Manila Bay, but that recommendation has not been approved by the Department. We have had joint board after joint board, a joint board upon which Secretary Taft once sat, and they have been unanimously heretofore in favor of Subic Bay. The gentleman from Kentucky [Mr. SHERLEY] seems to be overpowered by the report of the joint board. The joint board! I have known the joint board to swap their minds overnight. I am not overpowered or overcome by the "joint board."

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. FOSS. I ask unanimous consent that my time may be extended five minutes.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that his time be extended five minutes. Is there objection?

There was no objection.

Mr. FOSS. Now, Mr. Chairman, this question was settled way back in 1904. Admiral Dewey appeared before the committee when we had hearings on this question, and at that time he said:

I am convinced that Subic Bay is the one place in the Philippines for a naval base.

Further on he says:

With regard to the Cavite Navy-Yard, I refreshed my memory a little this morning, and I see that a battle ship can not get within two miles of the wharf of the Cavite Navy-Yard.

Already an estimate has come in for dredging a little channel to take a battle ship up there, and the first item, which will probably be exceeded by the cost of the actual work, was five and one-half million dollars.

Now, Secretary of the Navy Moody appeared before the committee in 1904, and what did he say? He said: "We have been five years in the Philippines, and we have not yet a naval station there of any consequence;" and he urged on the committee the establishment of a naval station at that time. He says: "Every single bit of information is in favor of establishing it within Subic Bay at the harbor of Olongapo. Nobody disagreed. The Army and Navy alike say that this is the place for it. There is plenty of water, and the protection of the entrance may be made perfect." Upon that hearing we established a naval station at Subic Bay, and we appropriated \$862,000, and the Congress of the United States authorized it. And year after year the joint board of the Army and Navy have confirmed it, and every Secretary of the Navy has also confirmed it, until this last year we have a joint board of the Army and Navy that comes along and says, "You ought to put it at Manila Bay."

Mr. BUTLER. Will the gentleman yield?

Mr. FOSS. I will yield to the gentleman.

Mr. BUTLER of Pennsylvania. Will the gentleman state how much money the Government has spent on improvements in Subic Bay?

Mr. FOSS. I have already stated; \$2,750,000, including the dry dock, which cost \$1,250,000, and a coal plant of \$500,000.

Now, I have a letter from Admiral Dewey, which was written on March 24, and he says:

DEPARTMENT OF THE NAVY,  
GENERAL BOARD,  
Washington, March 24, 1908.

MY DEAR Mr. FOSS: Referring to the matter of the naval station at Olongapo, in Subic Bay, and our conversation in connection therewith, I inclose a brief historical summary of official action in relation to a naval station at that point, extending from 1900 to 1907.

Subic Bay is already fortified in considerable strength against attack from sea. The Navy, with some valuable assistance from the Army Engineers, has mounted twenty 6-inch guns, four 4.7-inch guns, four 4-inch guns, and ten 6-pounder guns on commanding points at the entrance to the bay. These are sufficient to protect Olongapo from any attack from the sea except one made by heavy vessels in considerable force. The floating dock *Dewey* is moored at Olongapo, finding a sufficient depth of water close to the beach and naval station. There is no similar place at which it could be moored in Manila Bay. If placed near Manila or Cavite it would have to be moored some distance from shore and in the open bay, an impracticable situation, not only as regards weather, but also as regards the administration and management of work in connection with the docking of vessels. This dock has been used for fifty-six dockings since its arrival at Olongapo, on July 19, 1906, for naval vessels, auxiliaries, and Army transports.

Recent developments and the decision of the War Department that Subic Bay could not be defended against a land attack with the forces ordinarily stationed in the Philippines, as accurately stated by Congressman SMITH of Iowa in the debate on the fortifications bill on March 21, have placed in some doubt the location of a permanent naval station in the Philippines, but the joint board is nevertheless of the opinion "that the proper defense of the Philippine Islands includes the fortification of the entrances of both Manila and Subic bays, such fortification being essential both to protect the armed forces of the United States and to prevent occupation by an enemy."

Very truly, yours,

GEORGE DEWEY.

Hon. G. E. FOSS, M. C.,  
House of Representatives, Washington, D. C.

#### SUBIC BAY.

October, 1900. Secretary of Navy appointed a commission of five officers under Admiral Remy, commander in chief. Reported unanimously in favor of Olongapo.

Referred to general board, which, September 28, 1901, after seven months' consideration and study of subject, earnestly recommended the establishment of a strong naval base at that point.

November 4, 1901. Secretary Long approved report and recommendation.

November, 1903. Secretary Moody, in annual report, stated that naval opinion unanimously favors Subic Bay. Commanders in chief, two Boards, and Admiral of the Navy all agree that our naval base should be within Subic Bay. It would seem as if this body of opinion ought to be deemed conclusive. I know of no other military question upon which such unanimity exists.

Also approved by joint board, December, 1903, whose report stated emphatically "That Manila is not but that Subic Bay is suited for a naval base and station, and of all harbors in the archipelago it is the best for the purpose. That the fortification of Subic Bay is essential to the security of a naval station there. That a fortified naval base at Subic Bay will contribute materially to the defense of Manila Bay."

The National Coast Defense Board, of which Secretary Taft was president, February 1, 1906, places Subic Bay as in order of special importance for defense, next after the defenses of our own coasts; the total lists of those localities considered as of special importance being Chesapeake Bay, Long Island Sound, Puget Sound, Subic, Guantanamo, Manila Bay.

The Philippines are not self-sustaining in military supplies or provisions. Sea communications are vital to defense of the Philippines, and therefore, as affirmed by the joint board, the Navy must have a fortified base of operations from which to protect trade routes and keep open our sea communications. There may not be local superiority over enemy, but a minority of force great enough to make his operations hazardous. Subic, 35 miles from Corregidor. Channels narrow and easily defended. Anchorage 5 miles inside entrance. Is on flank of enemy's line of communications to Manila.

Depth of water, 25 fathoms in the bay and 11 to 15 fathoms in the harbor of Olongapo.

Fortifications at Manila Bay also necessary, but on account of strategic and dry-dock considerations Subic should be fortified first. Admiral Brownson, in a letter dated last December (1906), writes: "On one question I can express myself decidedly. Before coming out here I was decidedly in favor, as you may remember, of the Olongapo scheme, as compared with any other that had been suggested for a naval station in the East. My further inquiry into the subject since arrival on the station only strengthens this belief. I am for Olongapo first, last, and all the time."

"With an inferior fleet, well protected by batteries and mines in Subic Bay, would any fleet dare go in Manila Bay with a view to taking possession of it, without first destroying the Subic Bay fleet?"

April 21, 1904. Congress appropriated \$700,000 "for construction of seacoast batteries in the insular possessions."

May 24, 1904. Joint board recommended that the whole of this amount be devoted to defense of Subic Bay.

July 1, 1904. Acting Secretary of War informed joint board that as there were certain reasons why the whole expenditure should not be made at Subic Bay the Department would approve a project for the emergency defense of that place providing for the installation of three 10-inch high-power guns and six 6-inch guns.

March 2, 1907. Congress appropriated \$500,000 for seacoast batteries in Philippine Islands.

The CHAIRMAN. The time of the gentleman has expired.

Mr. FOSS. And let me say, Mr. Chairman, right along after this comes the recommendations of the different boards in relation to this subject. Congress settled it in 1904, and let it remain settled. [Applause.]

Mr. KEIFER. Mr. Chairman, when this discussion commenced upon this paragraph of the bill I thought I had something that might be important to say on the subject, but since I have heard so much and varied talk about Subic Bay, Olongapo, Cavite, Manila Bay, and so forth, I am prone to be as confused as some of my fellows. I was not pleased with the claim which the distinguished chairman of the Committee on Naval Affairs [Mr. Foss] made that the time would come when the Navy must protect the Army in the Philippines and fight for its safety. The mistake the gentleman makes is that the two are in combination; the Army and the Navy in a certain sense, when we are dealing with the enemy, is to be treated as a unit. I do not depreciate the Navy as a power to keep communication with our possessions off in the Philippines, but the Navy and Army must act together and one would fail without the other.

Mr. FOSS. I entirely agree with the gentleman, but I was making a statement which Lieutenant-General Young, of the Army, made to Admiral Dewey, to the effect that the Army could not stay there without the Navy if our communications were cut off.

Mr. KEIFER. I was not complaining of that statement, but the statement that the time was coming when the Navy would have to fight to protect the Army. They are to be treated as a unit. I mean to say that I have always believed, and I understand that naval officers who have been to Subic Bay and Manila have believed, that the only real place for the primary defense of Manila or Manila Bay was at Subic Bay, and that if we fortified that place and fortified it in a proper way against a foreign navy, we would have perfect safety in the harbor of Manila, where it is more difficult to have fortifications. This was demonstrated when Admiral Dewey was on his way to Manila to attack the Spaniards. He looked into Subic Bay to see that there were no enemies there, that he might safely go on into the bay of Manila. He understood the question then as he understands it now. Subic Bay lies some distance outside of the main entrance to Manila Bay, it is true, but no enemy is going to sail a fleet by it and leave a fleet inside that might come out and attack them in the rear or bottle them up. This is a familiar principle not only in naval warfare, but in land warfare. The claim is made that Subic Bay should not be made a permanent naval station or base because an enemy might attack and take it by a land force. What great harbor of the world is chosen on account of its absolute safety from a land attack. If we hold Subic Bay against becoming a harbor of a foreign fleet, there will be no danger of an army being landed. It could not be subsisted unless a supporting fleet had obtained a permanent success. Mr. Chairman, I have this complaint to make about these appropriations, and that is that we are making indefinite appropriations of \$100,000 here and \$100,000 there. As I understand this somewhat blind paragraph, we appropriate \$100,000 for the improvement and development of the naval station of Olongapo within Subic Bay, and then we appropriate certain moneys that were provided for use in other and earlier such legislation. If I do not misunderstand the chairman, that covers \$100,000 more. The difficulty is that we take these hundred thousands from time to time and use them in making fortifications, in attempting to improve and develop stations and other places, and when we are through and the next year comes around for appropriations we do the same thing over and we accomplish practically nothing substantial except to expend our money. We have no plans—we have no definite or specific plans—or, if we have, we do not follow them. The distinguished chairman of the Committee on Naval Affairs says that Subic Bay was established as a naval station in 1904.

We have been quarreling for more than three years that I have been in this Congress to determine whether we have done that very thing or not, and we are disputing over it now. If we had a policy that we could follow, and it comes up to the Congress of the United States to establish that policy—

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. KEIFER. I say it comes to the Congress of the United States to fix these policies for the Philippine Islands, and the policy or policies that should obtain in building up fortifications in the Hawaiian Islands and at other important places on our continental coasts. We have talked about joint boards, Navy boards, Army boards and the like and their recommendations, and then we come here and quarrel as to what they mean.

Admiral Dewey's letters read yesterday and others read to-day show that after a board has reported its finding has to be approved, and if it is approved by one bureau of the Navy, another disapproves it, and so we go on legislating and appropriating money and expending it, and when we are through we know it is expended, but we have not accomplished anything.

We the other day wisely passed a bill looking to the establishment of a naval station and the building of permanent fortifications at Pearl Harbor, on the Island of Oahu, in the Hawaiian Islands. That was a proper step, but we are likely to forget ourselves and some of these days be quarreling whether we had not better appropriate money for Diamond Head, or, as in this bill, for Honolulu, for I find in it we are going to expend, if the bill passes as reported, a large sum of money at Honolulu, and when it is expended and gone the Department will be back here for more and you can not find what has been done with it. So my chief objection is that this loose, unsettled policy which we follow as a mode of getting away with our money brings no adequate safe protection against a foreign foe should it come. [Applause.]

Mr. HOBSON. Mr. Chairman, I offer a substitute for the amendment to the amendment.

The CHAIRMAN. The gentleman is mistaken. There is no amendment to an amendment pending. The gentleman from Indiana gave notice that when this amendment was disposed of he would offer an amendment at the end of the paragraph.

Mr. HOBSON. Then I simply move to strike out the last word of the amendment for the purpose of correcting what evidently is a misapprehension as to the uses of these two stations. Whether we keep the Philippines or give them up, we must forever protect the Filipinos. If we protect the Filipinos, we must have a naval base in the Philippine Islands. If we have a naval base in the Philippine Islands, it must be Subic Bay. We have to-day a station in the Philippine Islands at Cavite. It is only a third-class station. A ship drawing 14 feet of water can not be taken care of there. I would hate to have to use the marine railway at Cavite to haul out of the water a ship of 2,000 tons displacement. There is a proposition on foot to construct a basin above the point of Cavite, and the basin alone, it is estimated, would cost \$8,000,000, and then you would only have begun to fight against the insuperable obstacles of nature in the way of the establishment of a naval base at Cavite.

Mr. MADDEN. Will the gentleman yield for a question? Will the gentleman tell us how much it will cost to establish a permanent naval base at Olongapo?

Mr. HOBSON. I wish to speak accurately when I speak to the House and this committee, consequently I will not answer that question loosely, where the features of the station are not defined, but will answer it thus: The question before the committee is whether we are to have \$100,000 to keep up a plant there that has cost nearly \$3,000,000. Our fleet is on the way. When it reaches the Far East the floating dry dock at Subic Bay is the only place in American territory where the ships can be docked. It will require at least this \$100,000 to enable us to efficiently handle the fleet in one visit, in my judgment.

Mr. TAWNEY. Will the gentleman from Alabama permit an interruption?

Mr. HOBSON. Certainly.

Mr. TAWNEY. Is the gentleman aware of the fact that the amendment offered by the gentleman from Indiana meets exactly the proposition that is presented by this, and that is that the \$100,000 may be expended during the next fiscal year for temporary purposes, but not for the establishment of a permanent naval base?

Mr. HOBSON. I am glad the gentleman from Minnesota brings that to my attention, because my amendment was going to propose "for the improvement and maintenance of the station now at Subic Bay." I am not in the slightest degree contending for the beginning now of an elaborate system of development at Subic Bay, because that would simply be preparing it for the enemy that may come. There has never been any difference of opinion between the Army and the Navy or any other men as to the question of a base at Subic Bay, until the matter of the defense of that base came up, and then it appeared that to meet an invasion and properly defend Subic Bay from an attack from the rear, with an army coming down from the Gulf of Lingayen, the line of the American forces would have to be extended, perhaps, 100 miles, and that it would take upward of 100,000 men to do this, an utter impossibility. We have 14,000 men in the Philippine Islands—

Mr. GAINES of West Virginia. Will the gentleman permit me—

Mr. HOBSON. And there are only 9,000 infantrymen in continental United States, there are only 19,000 Regulars available

in the whole United States, and there are 14,000 in the Philippines, with the 15,000—

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. BUTLER. I ask unanimous consent that my colleague may have five minutes additional time.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent that the gentleman from Alabama may have five minutes additional time. Is there objection? [After a pause.] The Chair hears none.

Mr. GAINES of West Virginia. Will the gentleman yield to me for a moment?

Mr. HOBSON. Certainly.

Mr. GAINES of West Virginia. I have no doubt the gentleman from Alabama is correct, but I would like to have it explained, so that I could understand what the difficulty is at Olongapo. To explain my question, I mean this about the defenses of Olongapo: What sort of a situation is it in which a fleet can not defend itself; what sort of approaches, surroundings, are there that may not be so fortified as to make an approach of a hostile army itself dangerous?

Mr. HOBSON. I shall be very glad to answer the gentleman's question.

Mr. GAINES of West Virginia. I would like to know. I have never understood what they mean by saying that we could not defend Olongapo.

Mr. HOBSON. It is a very interesting question, and one that has been thoroughly worked out. The approaches to Subic Bay are peculiar, and they are such that siege artillery could be located beyond the reach of the guns of ships in the harbor and drop a plunging fire on those ships without being exposed to fire from the ships, and the topography about Subic Bay is such that to properly protect against such a siege we would have to locate lines far back beyond the hills, and those lines would have to extend so far that it would require an enormous force. And, furthermore, it has been accepted as conclusive that this nation can not afford to allow the city of Manila to be captured by an enemy except in the last resort. It is a question of a joint defense of a naval station we may have and the city of Manila.

The line of defense from the city of Manila, and including Cavite, is comparatively short. I do not believe that I am divulging matters that I should not divulge when I say that the Army estimates that while it could not make any showing of resistance in trying to protect Subic Bay and Manila Bay with the present strength of our forces, it estimates that it could on the shorter line of defense for Manila city and Cavite hold out for ninety days against an army of invasion. And that is the reason why this matter has been suspended for the present.

Now, I beg to submit that the chairman of the Naval Committee is absolutely correct in the position he has taken. This American nation does not propose to become a military nation. With that leverage against us it would require a force of occupation of fully 200,000 to hold the Philippine Islands, and then they would be but partially secure against an Asiatic enemy with a great army in control of the sea.

Mr. MADDEN. Will the gentleman yield for a question?

Mr. HOBSON. Certainly.

Mr. MADDEN. I understood the gentleman to say a moment ago that it was very much easier to protect the city of Manila and Cavite from unfriendly attack than it would be to protect Olongapo. Now, what I want to get at is this, so that I can understand what the situation is: If that be true, why is it advisable to locate the naval base at Olongapo in preference to Cavite?

Mr. HOBSON. Because a naval base can not now and never can, until the judgment day, be located at Cavite. Now, allow me, as I say, to point out—

Mr. DOUGLAS. Why not?

Mr. HOBSON. Because the physical obstacles can not be surmounted, with even a stupendous cost, by the work of man.

Mr. MADDEN. Now, what are these obstacles, please?

Mr. HOBSON. It is because, primarily, the water is open, and it would require tremendous works to give it protection from the seas that sweep across during the typhoons.

Mr. MADDEN. The width of the entrance to the harbor of Manila Bay is the difficulty, is it?

Mr. HOBSON. It is the spread of the bay—the width of the bay.

Mr. SHERLEY. Does the gentleman mean to say that this opinion of his—

Mr. HOBSON. These are not all of the obstacles. I have simply begun to enumerate them.

Mr. MADDEN. We simply want to know now, if we find so much difficulty in protecting a naval base at Olongapo—

The CHAIRMAN. The time of the gentleman has expired.

Mr. MADDEN. Mr. Chairman, I ask unanimous consent that the gentleman from Alabama [Mr. Hobson] may be given five minutes more.

The CHAIRMAN. The gentleman from Illinois [Mr. Madden] asks unanimous consent that the gentleman from Alabama [Mr. Hobson] may proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. MADDEN. Now, if it would be impossible to get a sufficiently large army to protect a naval base at Olongapo, and then we have the difficulties surrounding the location of a naval base at Cavite, why would it not be wise to continue to develop the naval base at Olongapo?

Mr. HOBSON. It would be wise, though expensive development should wait until we can be sure of the permanent control of the sea.

Mr. MADDEN. And does not the gentleman believe it wise to establish a permanent naval base there?

Mr. HOBSON. Yes.

Mr. MADDEN. Would not the strategic situation demand the location of the naval base?

Mr. HOBSON. Unquestionably.

Mr. SHERLEY. Now, if the gentleman will allow me a question?

Mr. HOBSON. Certainly.

Mr. SHERLEY. The gentleman has stated his opinion that it is impossible to establish a naval base at Cavite. The gentleman will also say, I have no doubt, to the committee, that that was not the conclusion of the Army and Navy board that last looked into the matter?

Mr. HOBSON. I will not say anything of the kind.

Mr. SHERLEY. Well, the gentleman is aware of the report they made.

Mr. HOBSON. Now, the gentleman has asked his question; he will have to define what he calls a naval base. I know the gentleman does not wish to ask a question except to bring out the truth. I wish to ask him if he thinks the joint Army and naval board has settled the question as to an adequate first-class naval base; and if they in this decision and through it did not simply contemplate a temporary transfer of the dry dock for the case of attack?

Mr. SHERLEY. The gentleman has asked the question, and I will answer it. I believe that the board was not doing a useless thing; and if I understand the English language at all, I do understand that the report made on January 1, 1908, and signed by Admiral Dewey as the presiding officer, was distinctly in favor of Cavite as a permanent naval base for the Philippine Islands.

Mr. HOBSON. The reason why he used the word "base" there is simply that it is popular. Cavite has been, and is, and will remain a third-class naval station, and ought to be so maintained.

Mr. SHERLEY. Well, of course, the gentleman will understand that I do not feel at liberty to interpret the language used by this board in any other than its usual sense.

Mr. HOBSON. I wish to tell you what Admiral Dewey's position is. Admiral Dewey told me this morning over the telephone, "It is Subic Bay now and forever if we are going to have a base there." [Loud applause.]

Mr. SHERLEY. All I can say in response to the gentleman is, and I do not desire to criticize the distinguished Admiral, it would have been a little more valuable to the Congress of the United States if he had made his final finding to the Congress of the United States instead of making it to a Member by telephone. [Applause.]

Mr. HOBSON. And if Admiral Dewey or the joint board had told this committee or this Congress that this whole question was one of providing against sudden attack by 150,000 men that might land at Lingayen, then you would have criticized Admiral Dewey, the board, the President, the Navy Department, and every other man who has studied the question, for bringing up a "war scare." [Renewed applause.]

Mr. COOPER of Wisconsin. Will the gentleman permit me to ask him a question?

Mr. HOBSON. Certainly.

Mr. COOPER of Wisconsin. What is the width of the entrance to Manila Bay?

Mr. HOBSON. There are two main entrances.

Mr. COOPER of Wisconsin. That is correct. What is the width of each of the entrances? Eight or ten miles, is it not?

Mr. HOBSON. Fully, on either side.

Mr. COOPER of Wisconsin. On either side of Corregidor Island. What is the length of Manila Bay—about 30 miles?

Mr. HOBSON. Fully.

Mr. COOPER of Wisconsin. What is the width of Manila Bay?

Mr. HOBSON. It varies; it runs as high as nearly 30 miles. Mr. COOPER of Wisconsin. Practically 30 miles in diameter.

Mr. HOBSON. Roughly.

Mr. COOPER of Wisconsin. That affords great opportunity for a tremendous storm?

Mr. HOBSON. It is open sea.

Mr. COOPER of Wisconsin. It is open sea. What depth of water should we have in order to use this dry dock?

Mr. HOBSON. It ought not to be less than 60 feet.

Mr. COOPER of Wisconsin. What depth of water is there now?

Mr. HOBSON. Within a mile of Manila proper it would be about 8 or 9 feet; within a mile of Cavite station, about 8½ to 9 feet at low tide.

Mr. COOPER of Wisconsin. Eight and a half to 9 feet.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. COOPER of Wisconsin. I ask unanimous consent that the gentleman from Alabama may have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. COOPER of Wisconsin. The gentleman is a recognized expert, and we want the facts on which to base our judgment. I have myself seen the conditions over there, and therefore I ask these questions. Now, do I understand the gentleman to say that a mile and a half from the shore at Cavite the water is 9, 10, or 12 feet deep?

Mr. HOBSON. At low tide; yes.

Mr. COOPER of Wisconsin. Is it not desirable to have a dry dock nearer the shore than a mile or a mile and a half?

Mr. HOBSON. Most certainly. Even as near as it is to the shore in Subic Bay, and as wonderfully sheltered as it is in Subic Bay, that floating dry dock has had to be sunk twice in order to protect it from the typhoons.

Mr. COOPER of Wisconsin. There would have to be, then, a mile or a mile and a half of dredging, beginning with 8 or 8½ or 9 feet, to secure from 50 to 60 feet of water before we could take that million-dollar dry dock from where it has been already moored, where it is practicable for use, and tow it to Cavite?

Mr. HOBSON. Yes.

Mr. COOPER of Wisconsin. And it would cost \$5,000,000 and over to dig the channel, before we did anything else?

Mr. HOBSON. At least that.

Mr. COOPER of Wisconsin. Then, there are the immense expensive works to be constructed for the purpose of protecting this plant from the sea and the storm?

Mr. HOBSON. Yes.

Mr. COOPER of Wisconsin. Now, what is the diameter of the entrance to Subic Bay?

Mr. HOBSON. I should say, roughly, that the channel is about half a mile wide.

Mr. COOPER of Wisconsin. We can easily defend that with guns at the harbor entrance, so that all the ships of the world can not enter if we want to keep them out?

Mr. HOBSON. Unquestionably.

Mr. COOPER of Wisconsin. The shores about Subic Bay are high, are they not?

Mr. HOBSON. Yes.

Mr. COOPER of Wisconsin. How high do those hills run?

Mr. HOBSON. I should estimate them at about three or four hundred feet.

Mr. COOPER of Wisconsin. Three or four hundred feet. So that our battle ships in Subic Bay are perfectly safe from storms, are they not?

Mr. HOBSON. As safe as they can be in the typhoon region.

Mr. COOPER of Wisconsin. Safer than they are at Cavite?

Mr. HOBSON. Infinitely more safe.

Mr. COOPER of Wisconsin. And we have 50 or 60 feet of water in Subic Bay?

Mr. HOBSON. Right at the dock.

Mr. COOPER of Wisconsin. Which makes a suitable place for this valuable piece of property—the dry dock?

Mr. HOBSON. Yes.

Mr. COOPER of Wisconsin. And it is the only place where we can locate the dry dock now?

Mr. HOBSON. It is the only practicable place in the Philippine Islands at this time.

Mr. COOPER of Wisconsin. That is all.

Mr. TAWNEY. Now let the cross-examination proceed. [Laughter.]

Mr. HOBSON. Now, I wish to point out that the Hawaiian Islands are in precisely the same condition as the Philippine Islands, except that they are worse. People put the wrong construction on my words when they interpret any symptom or

suggestion of war as I state the facts. A foreign nation has twelve to one the strength of population that we have in the Hawaiian Islands. We have wisely provided for the beginning of a great naval base at Pearl Harbor. It ought to be realized now, not only that the Philippine Islands, but the Hawaiian Islands will be lost to this nation if we do not maintain, as the chairman of this committee has pointed out, control of the sea. If we do not maintain control of the sea, we are but preparing the bases for the enemy. And mark, the temporary control of the sea is not adequate. With our fleet in the Atlantic Ocean a force of 100,000 men could land in the Philippine Islands and take those islands, and an additional force of 50,000 men, joined by 50,000 more in the Hawaiian Islands, could take those islands. Adequate munitions and supplies could be landed with this expedition, and those islands would then be lost practically forever.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. HOBSON. Yes.

Mr. LONGWORTH. Does the gentleman believe we should have as large and elaborate a naval station at Subic Bay as we propose to have at Pearl Harbor?

Mr. HOBSON. No; I do not. I regard Pearl Harbor as the coming greatest naval station in all the world, and that the defense of America's interests in the whole Pacific Ocean will be centered at Pearl Harbor. [Applause.] But the distance is so great across to the Philippines, even from Pearl Harbor, that you could not give it adequate protection. We will need at least what could be technically called a second-class efficient station at Subic Bay in addition to the naval station at Pearl Harbor.

Mr. LONGWORTH. The gentleman's idea is that we would want a first-class naval station at Pearl Harbor, a second-class one at Subic Bay, and a third-class station at Cavite?

Mr. HOBSON. Yes. Now, this temporary control, or loss of control, may result disastrously for our country for this reason, that the enemy, after landing on the islands and taking possession, could live on the islands—

The CHAIRMAN. The time of the gentleman has expired.

Mr. HOBSON. Mr. Chairman, I ask for five minutes more, as my time has been taken up with interruptions.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks for five minutes. Is there objection?

There was no objection.

Mr. HOBSON. If a foreign army is landed on the Philippine Islands with adequate munitions of war, or the Hawaiian Islands, the fleet that convoyed them—or perhaps a fleet would not be necessary—the fleet of the enemy could repair to its own protected harbors and then issue a challenge to the United States to do what it may. It is a woeful fact that this nation has no merchant marine. We could not get the transports to carry the soldiers, and it is also a fact that we have not the soldiers if we had the transports.

Therefore public opinion in America would probably demand that our fleet after it reached the Pacific should go forth and try to retake the Hawaiian or the Philippine Islands. That would be precisely what the enemy would desire. The fleet would go out there; there would not only be no coaling station, there would be no docks, there would be hostile conditions, mines, torpedoes, submarines, and if we were enabled finally to seize some distant harbor and make a coaling station, we could not carry on any considerable repairs. When the ships' bottoms became foul they would remain foul. When the machinery got out of order it could not be repaired. When the great ships of the enemy, twenty-odd thousand tons, with three knots greater speed than our best ships, would sally forth and wound or injure ship by ship, they could escape without corresponding injury to themselves, and there could be no repairs to these wounded ships. If a desperate commander decided to force the issue and throw his fleet against the enemy's ships in the harbor, he would have no place for a temporary base.

We seized Guantanamo when we seized Santiago, but we seized it because the enemy was not occupying that region in force. Here we would find an enemy with a million trained men occupying the territory. We could not secure a single harbor from which to operate. It would require, therefore, an immediate attempt to force the channels—channels defended by mines, channels defended by automobile torpedoes, channels defended by submarines, channels defended by perhaps the strongest fortifications in the world. It would simply mean that our fleet would be disintegrated and annihilated, and then the enemy would have permanent control of the Pacific Ocean.

The consequence of this can not be overestimated. I am only stating facts, and I am not holding up any war scare when I say that 200,000 men could be placed aboard ship from the great

military nation of Asia inside of a few days, and it would not take long for the expedition to be landed on the Hawaiian Islands; those transports could return and get another 200,000, and soon there would be 500,000 men on the Hawaiian Islands.

There are four spots on the Pacific coast where a force of 75,000 men could be landed without any substantial resistance if we lose even temporary control of the Pacific Ocean. With only temporary control of the sea, an expedition could come and raid Los Angeles, San Francisco, probably Portland, and certainly the cities that cluster about Puget Sound, and escape without serious resistance from us. If we lose permanent control of the sea in that ocean, my countrymen, our country would be open to permanent invasion.

You may know, or you may not, that there are available only 20,000 regulars in the whole United States, and only 50,000 trained militia, that are scattered all over the nation. A foreign nation has more than 80,000 trained soldiers of her own on our territory, and from Hawaii, as a base, could throw 500,000 trained men on our shores before we could assemble 100,000 trained men to resist them. With the open ocean, the communication from Asia via Hawaii would have great advantage over the communication from our centers of population, and in occupancy of the slope up to the Coast Range and Cascade Mountains and the myriads of Asia to draw upon, it would be years before America could get into position to begin the terrible task of dislodging the invaders. I know we would resolve to complete the task, but the cost in men, money, and future pensions would stagger the imagination of man.

Thus, for the safety of Hawaii, the safety of the Philippines, and the safety of the Pacific slope, we must now provide not only for the temporary, but also for the permanent control of the sea in the Pacific.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. TAWNEY. Mr. Chairman, the proposition that is before this committee does not involve the question of the defense of our Pacific coast nor the Hawaiian Islands. The question before the committee arises upon the amendment offered by the gentleman from Indiana [Mr. CRUMPACKER], which does not propose to interfere with the maintenance of a temporary naval base at Olongapo, in Subic Bay.

The CHAIRMAN. The Chair will remind the gentleman from Minnesota that the gentleman from Indiana has no amendment pending.

Mr. CRUMPACKER. It is the amendment of the gentleman from Virginia [Mr. JONES].

Mr. TAWNEY. I understood the gentleman from Virginia had withdrawn his amendment and the gentleman from Indiana had offered his.

Mr. JONES of Virginia. Mr. Chairman, in view of the fact that the gentleman from Indiana proposes to limit the expenditure of this money to a temporary purpose; and my amendment was to strike out the whole amount, I withdraw my amendment.

The CHAIRMAN. Does the gentleman from Minnesota yield the floor to the gentleman from Virginia for that purpose?

Mr. TAWNEY. Yes.

The CHAIRMAN. The gentleman from Virginia asks unanimous consent to withdraw his amendment. Is there objection? [After a pause.] The Chair hears none.

Mr. CRUMPACKER rose.

The CHAIRMAN. Does the gentleman yield?

Mr. TAWNEY. I yield to the gentleman from Indiana for the purpose of offering an amendment.

Mr. CRUMPACKER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Insert at the end of the paragraph:

"Provided, That no part of this appropriation shall be used for the establishment of a permanent naval base at Olongapo."

Mr. TAWNEY. Mr. Chairman, the proposition then that we are now considering and will be called upon to vote on is whether or not we will declare that no part of this appropriation shall be expended toward the establishment of a permanent naval base at Olongapo. This matter has been a matter of discussion in this House almost ever since we took possession of the Philippine Islands. We have had reports from the Navy in favor of the establishment of a permanent naval base at this point. We have had reports from the Army that this point could not be fortified so as to protect the base—not protect the fleet when in the bay, but to protect the base itself; and the gentleman from Alabama [Mr. HOBSON] very eloquently stated what every Army officer and every naval officer now concedes, and that is the absolute impossibility of protecting a naval base at Olongapo from assault from the land. The gentleman explained how easy it would be for an enemy even

behind the hills to drop its shell over into the bay and absolutely destroy a vessel or our naval base. Now, we are asked to express by this amendment our opinion as to whether or not Olongapo should be selected for the establishment of a permanent naval base. The amendment of the gentleman from Indiana will not interfere with the expenditure of this \$100,000 for such purposes as are necessary in connection with the maintenance of the temporary base we now have. On the question of whether or not we should or should not declare in favor of a permanent naval base at this point, and in order to settle this question, the President of the United States appointed a joint board consisting of Army and Navy officers. This board was not appointed by the Navy Department or by the War Department, but it was appointed by the President of the United States, selecting the most competent men and officers in both Departments. This board has made its report, in which it says:

The joint board at its meeting of this date and at various meetings previously held took up the consideration of the question of the suitability of Subic Bay for a naval base, having regard to its capability for defense, by the United States forces which will be available, against attack from both the sea and land sides; and further, as to whether the naval base, with all its appurtenances, should not be located behind the fortifications of Manila Bay.

These are the two propositions that were considered by this board—the question of establishing a naval base; as to whether or not it could be defended and protected against attack both from the sea and from the land. Those were the questions that this board considered and this is the report which they have made.

Mr. HOBSON. Will the gentleman yield?

Mr. TAWNEY. Yes.

Mr. HOBSON. Does the gentleman consider that a favorable vote on the pending amendment would mean that this Congress contemplates an attack upon Subic Bay from the rear?

Mr. TAWNEY. I do not think so. A vote in favor of the amendment, if I understood the gentleman's question, would simply mean that we were not in favor of establishing a permanent base at Subic Bay. A vote against the amendment would by implication be a vote in favor of the establishment of a permanent naval base at this point.

Mr. BATES rose.

Mr. TAWNEY. Just a moment. I want to conclude this report, and then I will yield to the gentleman from Pennsylvania.

These questions were brought before the board by an order of the President, dated October 26, 1907.

After mature consideration of all features involved, the joint board unanimously adopted the following resolutions:

"I. That the proper defense of the Philippine Islands includes the fortification of the entrances of both Manila and Subic bays, such fortification being essential both to protect the armed forces of the United States and to prevent occupation by an enemy.

"II. That in order to sustain any policy of the United States in the Orient, a suitable naval base in the Philippines is essential—"

A fact that every Member of Congress has long since recognized.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. TAWNEY. Mr. Chairman, I ask that I may proceed for five minutes longer.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota? [After a pause.] The Chair hears none.

Mr. TAWNEY (reading):

"And that, in the selection of such a base, it is necessary to consider the adaptability of the site for purposes connected with the shelter, supply, and repair of a fleet and its capability of defense against attacks both from land and sea for such a period as may be necessary for the preparation and transfer of the battle fleet to Philippine waters from the most distant station at which it may be found at the outbreak of hostilities, probably the Atlantic coast of the United States.

"III. That, as to the first named of these considerations, Subic Bay is the most suitable port in the Philippines; as to the second, the Army has determined that the conditions surrounding Subic Bay are such that no land fortifications of any kind can be erected covering the bay which will enable the Army to hold it with any such land force as Congress is at all liable to authorize for permanent maintenance in the Philippine Islands, against a serious land attack.

"IV. That the alternative is to locate the naval base in Manila Bay.

"V. That, in the event of threatened hostilities involving the Philippine Islands before the establishment of a naval base in Manila Bay, all the military resources of the United States available in those islands should be devoted to the protection of the temporary naval base, wherever it may be."

Now, Mr. Chairman, this proposition is in line with the recommendations made by the board appointed by the President, a board that specifically considered these very questions that were submitted to it by the President of the United States, and upon that theory and the recommendations of this board and upon the theory that this was to be our policy, the Committee on Appropriations at this session of Congress carried in the fortifications appropriation bill an appropriation for the proper fortification and protection to the entrance to Manila Bay. That plan, when complete, contemplates two islands, or one

artificial island in addition to the island now there. This all comes in one general plan for the fortification of Manila Bay in order that the Army and the Navy together may be able to hold out against either a land or a sea attack long enough to enable our Government to send such relief as is necessary for the purpose. I now yield to the gentleman from Alabama.

Mr. HOBSON. Does the gentleman interpret the report of the joint board to mean that that board decides unanimously that Subic Bay ought to be permanently abandoned?

Mr. TAWNEY. I do not. I do not know that it means that Subic Bay is to be abandoned, but I will say to the gentleman from Alabama that the officers who appeared before the Committee on Appropriations, or the Subcommittee on Fortifications, did state most positively that Subic Bay was to be abandoned as a permanent naval base. There was nothing said about its maintenance or maintaining it as a temporary naval base. I now yield to the gentleman from Pennsylvania [Mr. BATES].

Mr. FOSS. Ask him whether that was the testimony of naval or Army officers.

Mr. HOBSON. Will you state who those were who gave statements that way and to the contrary?

Mr. TAWNEY. I refer the gentleman to the hearings on the fortifications bill. General Crozier was one and General Mackenzie was the other.

Mr. BATES. I desire to ask the gentleman from Minnesota, because I honor his opinion, concerning this amendment which was offered and to which substitute he was going to address himself—

Mr. TAWNEY. I was trying to do so.

Mr. BATES. Does the gentleman think it would be wise in passing an appropriation bill to inject into it any words that could be construed into a declaration that we were not to permanently retain control of the Philippine Islands? Is not that a declaration that has no place in an appropriation bill?

Mr. TAWNEY. I will say to the gentleman from Pennsylvania, for whose opinion I have a very high respect, that there is nothing contained in the amendment offered by the gentleman from Indiana that even winks at the possibility of our abandoning the Philippine Islands. There is nothing of that kind involved or recommended or that can be held by construction to be involved in the report of this joint board.

Mr. BATES. Then may I ask further, Mr. Chairman, why is not the language of the section as submitted by the committee utterly respectable and sufficient? It does not state in this section that this is to be a permanent station. It merely states it is toward the improvement and development of a naval station at Olongapo, Philippine Islands. Why, therefore, should we inject into it a declaration which can be construed into a declaration of abandonment later on?

Mr. TAWNEY. If the committee had included in that paragraph the word "temporary," and made it read "for maintenance and development" there, I admit, then, that the gentleman's inquiry would be pertinent.

Mr. GAINES of West Virginia. Will the gentleman yield?

Mr. TAWNEY. In just a moment. The language of the paragraph as it is presented to the committee here implies that this money is to be expended in the development and maintenance of a permanent naval base. Now, Mr. Chairman, in view of the recommendations of this joint board, in view of the plan that has been submitted at this session of Congress for the fortifications along the line recommended by this board, if we do not now declare whether or not we are going to favor Subic Bay as a permanent naval base, then we will have two naval bases as a necessary consequence hereafter, if the Army and Navy join in asking that these recommendations that they now make be respected and recognized and appropriated for by Congress. It is not my purpose to interfere in the least with the maintenance of our military or naval power in the Philippine Islands. All I want to prevent is the establishment of two permanent naval bases in the Philippine Islands as the result of the disagreement that has heretofore existed between these two arms of the service, or because of any disagreement that may result hereafter. That is the reason for my opposition, and I think that when the Members of the House vote on this proposition, if they understand they are not voting to interfere in the least with the maintenance of the temporary naval base there, but would merely declare, in line with the recommendations of this board, that we will not establish a permanent naval base there, we will be voting, then, in accordance with what, I believe, is for the best interests of the Government here and in the Philippine Islands.

Mr. BATES. I desire to ask the gentleman one question. Did the gentleman from Minnesota, in his fortification bill from

the Appropriation Committee in the item for the fortification of this harbor, say that that was not to be permanent? Did he make the declaration to the Congress, to the country, and to the world, when he was providing for fortifications at this point—a proviso that they were not intended to be permanent, but might be taken away in a few weeks or a few months? Such a declaration, Mr. Chairman, was certainly not made in his own bill.

Mr. TAWNEY. The fortifications that are there now are to be permanent and they will be permanent.

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. Just one minute more, Mr. Chairman. The officers who appeared before the committee did not make any estimates for further fortifications at Subic Bay, upon the ground that the plans for the establishment of a permanent base at Subic Bay had been abandoned.

Mr. DRISCOLL and Mr. PAYNE rose.

The CHAIRMAN. The gentleman from New York [Mr. DRISCOLL] is recognized.

Mr. DRISCOLL. If my colleague [Mr. PAYNE] wants to say a word, I will be glad to yield to him.

Mr. PAYNE. Mr. Chairman, I would like to have a word now, as I have to go away, because this amendment was introduced in the committee here by the gentleman from Indiana [Mr. CRUMPACKER] at my suggestion, and my thought, Mr. Chairman, was this: The objections to Subic Bay were stated to some of us who went to the islands three years ago by the officers of the Army, and it seemed to be the universal opinion among those officers that Olongapo was impracticable because of the impossibility of defending it from the rear, while the naval officers, most of them, thought it was the best place. Some of them did not; they agreed with the Army officers. But I thought that it was not best to have this matter go on in the way it has been going. My eloquent friend from Illinois [Mr. FOSS], chairman of the committee, who always is able to make a great big argument out of a very small premise—and sometimes he uses a large one when he deals heavier and sledge-hammer blows—was contending a few moments ago that we had expended \$2,750,000 for Subic Bay and Olongapo, and that therefore Congress had established a permanent naval station there.

That is hardly true, Mr. Chairman. If there is any element of truth in that proposition, I do not think it is best now, with the difference of feeling and opinion that there is among the Members of the House, to add even a straw's weight to that argument of my friend from Illinois [Mr. FOSS] by an appropriation of \$100,000, so that next year he can say: "We have expended \$2,850,000, and the matter is settled." Rather, let this amendment go in. Let them use the \$100,000 for the temporary use there, but not for the permanent use, and then let the Committee on Naval Affairs consider the subject and bring all the information there is before the House. Then let my friend from Pennsylvania [Mr. BATES] come in, as he did the other day, with a bill for Pearl Harbor, a bill that was so wise and so well fortified by the facts that were stated in his report that it went through the House by almost a unanimous vote, locating Pearl Harbor as a naval base in the Hawaiian Islands. When they have fairly considered this matter and focused their minds upon it—the great naval minds of this great committee of the House—let them bring in their bill in their frank, manly sort of way, and not try to sneak it in with a hundred thousand dollars here and a hundred thousand dollars there. Let the Congress understand just what they are doing and decide as to which is the proper place for this naval station. I shall be ready to listen to their arguments fully and fairly, and try to decide justly, as far as my vote is concerned. And, if I agree with them, I will vote for their bill, wherever they establish their naval station, and, if I do not, I shall just as cheerfully vote for an amendment to establish it somewhere else. Let the bill finally receive the approval of both Houses of Congress, so that Congress may understand, and the country may understand through the law, just what Congress proposes to do.

Then when we make the appropriation for this place, it will be understood when it is put in the law whether it is a temporary or a permanent naval base we are building up.

Mr. BATES. I would like to ask the gentleman from New York whether he thinks that this money would be expended in a different way by adding the statement that the station is not to be permanent, and why should you couple that with the appropriation?

Mr. PAYNE. For the same argument made by the chairman of your committee, that we have expended \$2,750,000, and "Congress itself had settled this question, and Olongapo was the place, and there was no other place in the Philippines for

this naval station." He simply adds a straw to that line of argument, which I do not believe in, but which might catch some Members.

Mr. BATES. It certainly did not hurt the gentleman from New York or any Member of the House.

Mr. PAYNE. It certainly did not hurt me.

Mr. DRISCOLL. Mr. Chairman, the gentleman from Ohio this morning said that the more he read and the more he heard about Olongapo and Subic Bay and Cavite and Manila the more confused he became in this matter. Mr. Chairman, I am one of those not confused with reference to it. I have clear and definite views on the general proposition, upon which this particular question or amendment bears. I am one of that large and rapidly growing class of Americans who regret exceedingly that we got into the Philippine entanglement [applause] and who hope to live to see the day when we can honorably get out. [Renewed applause.] I do not mean to say that we should sell or trade them away. Whatever may be our legal right, we have no moral right to sell 8,000,000 souls, even with their lands, homes, and firesides, but we have a moral right to educate them and we have a right to elevate them politically, physically, morally and industrially, and every other way so that they can maintain a republic of their own over there. [Applause.] When that time comes, and I hope it will come within the lives of men here present, then we will get an agreement on the part of all the powerful nations to keep their hands off the islands and allow them to work out their own destiny and establish a republic in the Orient after the model of the great Republic of the West.

Now, sir, when that time comes we will need a great natural harbor over there, either an island or a part of an island, on which we can construct our own improvements. Subic Bay is by all means best fitted for that purpose. We can not retain Cavite if we surrender the rest of the islands, because Cavite is in the great Bay of Manila. It is inside the same fortifications as Manila. Guns from Cavite could be trained on the city of Manila. We can not retain Manila without retaining Luzon, because Manila is the heart of Luzon. We can not retain Luzon without retaining the rest of the islands, because Luzon is the most populous and the most advanced in all respects and really the heart of the whole archipelago. Therefore when we surrender American occupation, we must withdraw from Manila and Cavite. In that event we can retain Subic Bay as a permanent naval, coaling, and commercial station, as a sort of foothold there which we may use also as a trading basis. No nation would object to that or accuse us of bad faith. We would be justified in doing it, and the Filipinos would doubtless be willing to make that concession. Now, what do you propose to do? If you pass this amendment you practically abandon Subic Bay, and when you abandon Subic Bay, it will indicate to the world that we are going to fortify Cavite as a permanent naval basis, and that will indicate, further, that we are going to hold possession of the Philippines permanently. I do not believe the American people will stand for that. Sentiment is growing the other way all the time. The best part of our citizenship is in favor of giving these people an opportunity to work out their own destiny after we set them up. [Applause.] Therefore, I am in favor of giving this \$100,000 to keep up the improvements we have there, so the impression will not go out that we are to abandon the policy practically adopted by this country with reference to the Philippines. [Renewed applause.]

Mr. FOSS. I move to close all debate on the paragraph and all amendments in ten minutes.

The question was taken, and the motion was agreed to.

Mr. SHERLEY. Mr. Chairman, I shall not undertake to pit my technical knowledge against that of the gentleman from Alabama in regard to naval matters; but I may, with becoming modesty at least, express an opinion as to the use of the English language. The gentleman took exception to the interpretation placed upon the report made by the joint committee of Army and naval officers. That report clearly establishes certain facts, and it does not require technical knowledge to determine them. The first matter of fact that it establishes is that we need, not bases, but a naval base in the Philippine Islands.

The report says that in order to sustain any policy of the United States in the Orient a suitable naval base in the Philippines is essential. It does not say "suitable naval bases."

Now, what else did it determine? It having started with this premise of a single naval base, determined what particular base was the one best suited to the needs of America. The identical question was whether it should be Subic Bay or Cavite; and in

order to show that I am right, again I will read some more plain English:

JOINT BOARD,  
Washington, January 31, 1908.

Sir: The joint board at its meeting of this date and at various meetings previously held took up the consideration of the question of the suitability of Subic Bay for a naval base, having regard to its capability for defense, by the United States forces which will be available, against attack from both the sea and land sides; and further, as to whether the naval base, with all its appurtenances, should not be located behind the fortifications of Manila Bay.

That was a square issue, made between the advocates of the two places. Now, what did they decide? And it is not left in doubt. They decided:

IV. That the alternative is to locate the naval base in Manila Bay.

The view both of the Army and the Navy in regard to the suitability of it, both as a naval base and in regard to its capability for defense, was that as an alternative the naval base should be located in Manila Bay, and they meant a final alternative, for the fifth paragraph proves that, and not by any strange construction of English, for it says:

V. That in the event of threatened hostilities involving the Philippine Islands before the establishment of a naval base in Manila Bay, all the military resources of the United States available in those islands should be devoted to the protection of the temporary naval base, wherever it may be.

Now, what is the answer that is made to that? It is twofold. First, the gentleman from Alabama [Mr. Hobson] tells you that the word "base" does not mean naval station in the sense in which the House has been considering it. If it does not, it at least means all that both the Army and the Navy had in contemplation for the Philippine Islands, because they use the word "base" in determining that they will have but one naval base, without regard to the particular point. The word base means the same in one part of the report that it does in the other.

Now, the other argument is that notwithstanding this official report bearing the signature of Admiral Dewey as the senior officer of the joint commission, some of the favored members of the Committee on Naval Affairs have had private letters or telephone communications to the effect that Admiral Dewey was not convinced, but simply overwhelmed by the other members. He signed the unanimous report, and I repeat again, with all proper respect to the distinguished Admiral, that it would have been infinitely better for Congress and infinitely better for the country if he had seen fit to make a minority report against the findings of that board rather than sign a unanimous report in favor of Cavite and then send to the Naval Affairs Committee his personal opinion that he was in favor of Olongapo as against Cavite; and I ask this Committee of the Whole to follow the last recommendation of a board appointed by the President to determine this special question, and it did determine this question in English so plain that he who runs may read. [Applause.]

Mr. FOSS. Mr. Chairman, the gentleman has alluded to the joint board of the Army and the Navy, but he can not point to one single statement anywhere in writing that the President of the United States has approved of the report of the joint board of the Army and the Navy. We have had several joint boards, and the gentleman from Minnesota [Mr. Tawney] suggested that here was a joint board appointed by the President. Will the gentleman from Minnesota name any joint board in the last ten years that has not been appointed by the President? We have had several reports from joint boards heretofore upon this proposition, and they have been unanimously in favor of Subic Bay, but this year this is a joint board that makes a report against it, because they say the Army can not defend Subic Bay. There was no trouble about this question of the location at Subic Bay until this year. In 1904 we established this naval station, and the matter was before the Congress. The Secretary appeared with estimates before our committee, and this whole subject was explained in our report, discussed here on the floor, and year after year we have been making appropriations, only small ones it is true, about \$100,000 each year, toward this naval station. So there is no question as to the establishment of it, but the Army has come in this last year and put its nose into the Navy's business, and says we are going to locate a naval station at Cavite where you can not get a battle ship within two miles. I have been in the Philippine Islands, and have seen Army stations here and there, but no naval officer has ever, and the Navy Department has never, attempted to locate any Army station. The Army is attempting to say where the naval stations shall be established against the unanimous opinion of the leading naval authorities, against the opinion of four Secretaries of the Navy that we have had during the last four years. I would like to know whether we are going to follow the Army on naval matters, or whether we are

going to follow the Navy on naval matters. Are we going to put this base where a few Army officers say it ought to be when appearing before the Committee on Appropriations in discussing fortifications, or are we going to follow Admiral Dewey and other great authorities of our Navy, and establish it where it ought to be?

Mr. SHERLEY. Will the gentleman from Illinois kindly tell us at what period we should follow Admiral Dewey?

Mr. FOSS. Admiral Dewey was president of the joint board and signed the report as president, but the report of the board has never been approved, and I say to the committee that I hope it will stand by the recommendations of the Committee on Naval Affairs. I now yield to the gentleman from Pennsylvania [Mr. BUTLER].

Mr. BUTLER. Mr. Chairman, we seem to have some difficulty in understanding Admiral Dewey. He says in this report that if we desire to have a naval station defended from the land side we ought to go to Manila Bay; that if we desire to have any water upon which to float the ships we should make the naval base at Subic Bay.

I have had twelve years' experience, and I have grown weary of seeing the attempt of the Department to sail ships across an ordinary fog that settles in the meadow in the morning. [Laughter.] I am in favor of Subic Bay for a naval station because of its fitness. All of the naval authorities are in favor of Subic Bay, and, above all, the President of the United States induced Congress to locate the station at Subic Bay.

Mr. HOBSON. Mr. Chairman, a lawyer once proved that the Bible said "There is no God." But the true reading of the Bible is "The fool hath said in his heart, There is no God." I believe that the able, legal ability of the gentleman from Kentucky [Mr. SHERLEY] could discover anything in any statement.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HOBSON. Let us vote down the amendment and stand by the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. CRUMPACKER].

The question was taken, and on a division (demanded by Mr. CRUMPACKER) there were—ayes 21, noes 70. So the amendment was rejected.

Mr. LONGWORTH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

In line 6 strike out the words "improvement and development" and insert the word "maintenance," and between the words "the" and "naval" and insert the word "existing."

Mr. LONGWORTH. Mr. Chairman, I do not care to consume any time in discussing the amendment, and I ask for a vote.

Mr. FOSS. I hope the amendment will be voted down.

The question was taken, and the amendment was lost.

Mr. DRISCOLL. Mr. Chairman, I ask unanimous consent to extend my remarks in the Record.

The CHAIRMAN. The gentleman from New York asks unanimous consent to extend his remarks in the Record. Is there objection?

Mr. WILLIAMS. Mr. Chairman, I shall have to object.

The Clerk read as follows:

Plans and specifications for public works: Navy Department: Plans and estimates required by section 3663, Revised Statutes, and plans and specifications for public works, \$30,000.

Mr. SMITH of California. Mr. Chairman, I offer the following amendment:

On page 36, after line 25, insert:

"Provided, That the President is hereby authorized to appoint a commission consisting of two naval and two Army officers and one civilian to examine the shores of San Diego Bay and report to the President the point best suited for the location of a dry dock, with an estimate of the probable cost thereof. For the expenses of said commission the sum of \$25,000."

Mr. FOSS. To that, Mr. Chairman, I will reserve a point of order.

Mr. SMITH of California. Mr. Chairman, we have had a good deal of war talk lately, and it all points toward the Pacific, and I suppose everyone feels that if there is any danger of a naval war, it is on the Pacific. For myself, I do not feel so much alarmed that I do not sleep well at night [laughter], because the time for a war between this country and the Orient has not yet arrived, in my opinion, and will not arrive until at some future time when, in revising the tariff, we discriminate against manufacturers of the oriental countries. Then we may get a war. It will not come out of the subject of immigration, in my opinion.

If we are going to have a Navy and the activities are going to be on the Pacific Ocean, it is just as important to have yards and docks as it is to have vessels. A navy is of small conse-

quence unless the vessels can be cared for and repaired. It would not be going beyond the truth to say that it would be utterly impossible to dock a battle ship on the Pacific Ocean at the present time in a Government yard. That condition of things ought not to continue, and while we are making some progress at Puget Sound and a beginning is being made at Pearl Harbor, we have had for the last few days here some very instructive and eloquent statements to the effect that a naval base on an island is not the safest to count upon under all emergencies.

It seems to me that we ought to begin at least to look into the wisdom of establishing greater facilities on the shores of the continent. I hope the gentleman will not insist on the point of order, but that there may be a vote upon this amendment, which merely looks to an investigation and a report as to whether there is suitable water and other suitable advantages for a naval station at the southern extremity of our Pacific coast lines. It would take many years, of course, to bring about the improvements, but by the time the Isthmus of Panama is penetrated by the canal there will be still greater need for naval equipment in the southern waters of the United States.

The CHAIRMAN. Does the gentleman insist on the point of order?

Mr. FOSS. I insist on the point of order.

The CHAIRMAN. The Chair sustains the point of order.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. Young having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had passed joint resolution and bill of the following titles, in which the concurrence of the House of Representatives was requested:

S. R. 78. Joint resolution establishing the boundary line between the States of Colorado and Oklahoma and the Territory of New Mexico; and

S. 6163. An act to authorize the Secretary of the Interior to sell and dispose of the surplus unallotted agricultural lands of the Spokane Indian Reservation, Wash., and to place the timber lands of said reservation in a national forest.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 24) to increase the efficiency of the personnel of the Revenue-Cutter Service.

#### NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

Floating derricks: One 100-ton floating derrick (to cost \$250,000), \$100,000.

Mr. MADDEN. Mr. Chairman, I reserve the point of order against that, and will ask the chairman of the committee to explain it. The cost of this floating derrick as proposed in this amendment is enormous, very much more in my judgment than such a floating derrick should cost. A similar piece of machinery, it seems to me, could be produced for the amount of money that is appropriated. I happen to be in the line of business where machinery of this kind is used, and I have had the experience of having this kind of machinery built. I happen to own some of this kind of machinery, and my honest judgment is that this limit of cost for this particular machine is two and a half times what it ought to be. I just want to ask the chairman of the committee whether he has made sufficient investigation of the need of this and the necessity of this amount of money being expended to warrant him in making the recommendation.

Mr. FOSS. Mr. Chairman, the Chief of the Bureau of Yards and Docks, Admiral Holliday, appeared before the committee and recommended this item, which is for a 100-ton floating derrick. He says they are the greatest machines in the world.

Mr. MADDEN. They are.

Mr. FOSS. We do not know, as members of the committee, whether this is more than he ought to have or not, but we took his judgment, of course, as the Chief of the Bureau of Yards and Docks. This was the estimate which he sent to us, and the committee does not feel like making any less estimate. He asked for four derricks, and we gave him only one.

Mr. BUTLER. I feel sure that he will buy it for less money if he can.

Mr. FOSS. Yes.

Mr. MADDEN. The limit of cost is excessive. There is no doubt about that.

Mr. FOSS. He does not have to spend the full limit of cost.

Mr. MADDEN. I realize the importance of having possession of such machinery as this. It is the most valuable machinery

that can be used in the movement of heavy commodities from place to place where they have water front, but I was in hopes that the committee might see the justice of recommending only such a sum of money for the construction of this machinery as the machine ought to cost. I still believe that \$100,000 is all that this machine should cost, and the appropriation of \$250,000 is far in excess of what should be appropriated. I withdraw the point of order, and I will offer an amendment fixing the limit of cost at \$100,000.

The CHAIRMAN. The gentleman from Illinois withdraws his point of order and offers an amendment which the Clerk will report.

The Clerk read as follows:

On page 37, line 5, strike out "two hundred and fifty" and insert "one hundred."

Mr. FOSS. I call for a vote and hope that it will be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken and the amendment was rejected.

The Clerk read as follows:

For the erection of three fireproof buildings, to be used as magazines and filling house, and including necessary grading, walks, and landing stage, \$7,000.

Mr. MADDEN. I reserve the point of order on this so as to ask the gentleman in charge of the bill what the necessity for all these magazines and filling houses, and so forth, is.

Mr. FOSS. Those were made upon the recommendation of the Chief of the Bureau, I will say. They used ammunition down there in the education of the cadets, for experimental purposes, and one thing and another, and it is to store that ammunition. It is a small amount.

Mr. MADDEN. I withdraw the point of order.

The Clerk read as follows:

Naval hospital, Great Lakes: For the erection of naval hospital buildings, to cost not to exceed \$250,000, \$100,000.

Mr. BURTON of Ohio. Mr. Chairman, I move to strike out the last word. I would like to inquire where this hospital is, and what it is.

Mr. FOSS. That is in connection with the naval training station.

Mr. BUTLER. It is part of the outfit there, for which Congress has already provided.

Mr. BURTON of Ohio. I withdraw the amendment.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LANDIS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the following concurrent resolution:

#### House concurrent resolution 37.

*Resolved by the House of Representatives (the Senate concurring), That in enrolling the bill H. R. 20310, relating to the liability of common carriers by railroads, to their employees in certain cases, the enrolling clerk be directed to correct said bill by inserting in section 3, after the word "railroad," in line 2, the words "under or by virtue of any of the provisions of this act," so that said section 3 will read as follows:*

"SEC. 3. That in all actions hereafter brought against any such common carrier by railroad, under or by virtue of any of the provisions of this act, to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee."

#### NAVAL APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

In all, \$6,547,903.75.

Mr. FOSS. Mr. Chairman, in view of the fact that the committee passed favorably upon allowing 3,000 additional men to be made immediately available, it will be necessary to increase this appropriation, and accordingly I move to strike out, in lines 15 and 16, all the words after "six million" and insert "\$931,153.75," so that it will read, "in all, \$6,931,153.75."

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

Page 47, amend lines 15 and 16 so as to read, "in all, \$6,931,153.75."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

#### BUREAU OF CONSTRUCTION AND REPAIR.

Construction and repair of vessels: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels;

construction and repair of yard craft, lighters, and barges; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses for vessels and navy-yards, inspectors' offices, such as advertising, photographing, books, professional magazines, plans, stationery, and instruments for drafting room, \$8,000,000: *Provided*, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 10 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That no part of this sum shall be applied to the repair of any other ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed 20 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That nothing herein contained shall deprive the Secretary of the Navy of the authority to order repairs of ships damaged in foreign waters or on the high seas, so far as may be necessary to bring them home; and the Secretary of the Navy is hereby authorized to make expenditures for repairs and changes on vessels in excess of \$200,000, or in excess of 20 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material: *Provided further*, That such expenditures on any ship shall not exceed the amounts reported as necessary therefor under the various bureaus of the Navy Department, said reports having been transmitted to Congress in conformity with the provisions of the act making appropriations for the naval service for the fiscal year ending June 30, 1908.

Mr. TAWNEY. Mr. Chairman, I reserve the point of order on the language contained in this paragraph, beginning line 22, page 53, to line 8, page 54, on the ground that it is new legislation.

Mr. FOSS. Mr. Chairman—

The CHAIRMAN. Does the gentleman make the point of order or reserve it?

Mr. TAWNEY. I reserve the point of order, Mr. Chairman.

Mr. FOSS. Mr. Chairman, I think the gentleman is familiar with the necessity for this provision. It will be recalled that on our appropriation bill of last year we provided—

That the Secretary of the Navy will hereafter report to Congress, at the commencement of each regular session, the number of vessels and their names upon which any repairs or changes are proposed which in any case shall amount to more than \$200,000, the extent of such proposed repairs or changes, and the amounts estimated to be needed for the same in each vessel; and expenditures for such repairs or changes so limited shall be made only after appropriations in detail are provided for by Congress.

Now, in pursuance of that provision, which was enacted into law last year upon the appropriation bill, the Secretary of the Navy sends a letter, known as Document No. 657, giving the vessels and amount of repairs on each in accordance with that provision, and in order to make these necessary repairs it will be necessary for us to give him the authority which is contained in these lines to which the gentleman makes the point of order.

Mr. MADDEN. Did I understand the gentleman to say the Secretary of the Navy gives the names of the vessels?

Mr. FOSS. Yes.

Mr. MADDEN. Why not specify the amount to be expended on each vessel?

Mr. FOSS. Well, that is quite a long—

Mr. TAWNEY. Mr. Chairman, the gentleman in charge of the bill stated I was familiar with the provision, and I am familiar with the provision carried in the previous law. Until the first session of the last Congress there had never been any limitation whatever upon the amount the Secretary of the Navy could expend in the repairs of a battle ship, and in the last session of the Fifty-ninth Congress the Committee on Naval Affairs reported in favor of a 20 per cent limitation, and added the provision which the gentleman in charge of the bill has read, requiring the Secretary of the Navy, where the proposed repairs exceeded \$200,000, to submit to Congress an estimate of the cost of the repairs on each ship which it was necessary to repair.

Now, Mr. Chairman, the purpose of this legislation was to give to Congress control over the amount of money to be expended in making repairs, and it was also to give Congress the power to determine whether or not the repairs should be made and how much should be expended in making those repairs. Now, it is proposed by this provision to again restore to the Secretary of the Navy the absolute discretion he has heretofore exercised in the repair of any battle ship he may deem in need of repair, regardless of the cost of that repair. It is placing in the Secretary of the Navy a discretion in regard to public expenditure that no other officer of the Executive Departments of the Government possesses. In other words, if he simply reports to Congress the necessity for the reconstruction of a vessel he is authorized to go on and make the repair, regardless of the cost. Now, in the British navy the British Admiralty can only expend \$50,000 in the repair of a vessel without express authority from Parliament.

It was my purpose in first proposing this amendment and in supporting the proposition requiring the report to be made to Congress—it was my purpose and hope that the Committee on

Naval Affairs would take the trouble to investigate these reports and these estimates for repairs on particular ships and bring in specific appropriations for the repair of each vessel which the Secretary of the Navy recommended to be repaired, and not to accept his report as conclusive, and then come to the House with the recommendation that the Secretary be allowed to make any and all repairs which may have been approved by the board above \$200,000, regardless of the amount we give him. It is for this reason, Mr. Chairman, that I make the point of order against the proposition.

Mr. PADGETT. Will the gentleman reserve it for a moment or two?

Mr. TAWNEY. I will reserve the point of order.

Mr. PADGETT. Mr. Chairman, I think the distinguished gentleman from Minnesota, the chairman of the Committee on Appropriations, is too broad in his statement as to the action of the Committee on Naval Affairs and the provisions of this bill. On page 54 you will find the language:

*Provided further*, That such expenditures on any ship shall not exceed the amount reported as necessary therefor under the various bureaus of the Navy Department, said reports having been transmitted to Congress in conformity with the act—

Mr. TAWNEY. That is exactly why I do object to it, I will say to my distinguished friend, because it gives to the Department the discretion, first, of determining the amount to be expended in the making of the repairs, and authorizes the Department to make the repairs and report to nobody. The only thing the Department does now, or is required to do under this provision, is to report, first, what ships need repair, and the amounts. Now, you propose by this language to give the Department the power of going on and expending the money appropriated for repairs within the limits of the report of the Department, and not within the limits of the recommendations of Congress.

Mr. PADGETT. Now, if the gentleman pleases, I would like to know what function of Government would determine the amount to be expended upon any ship except the Navy Department?

Mr. TAWNEY. The Congress of the United States, I will say to the gentleman, with all due respect. It is the function of the Department to make recommendations, but it is the function of Congress to pass finally upon those recommendations, and determine, first, whether the repairs shall be made, and at what cost; and it was to take away from the Department the discretion which it has heretofore had and exercised of making any repair at any cost and report to nobody, that this provision was put in the last appropriation bill. And it can be carried out, if the gentleman's committee will consider the report that has been submitted, and then recommend appropriations for the specific repairs that are recommended by the Department.

Mr. PADGETT. The committee has done that very thing. The Department submitted detailed estimates to the Congress in conformity with the requirements of law. The matter was before the committee, was considered by the committee, and the committee has reported this authorization for the Department to make the repairs upon the specific ships named in the report, and not to exceed the amount specified in the report.

Mr. TAWNEY. Oh, the gentleman is entirely mistaken. This language will authorize the Secretary of the Navy to make any repairs on any vessel.

Mr. PADGETT. No, sir.

Mr. TAWNEY. Regardless of the cost, if it is above \$200,000, and within the amount recommended by the board.

Mr. PADGETT. It does not.

Mr. TAWNEY. Provided that the board or the bureau have recommended such repairs.

Mr. PADGETT. It does not. It says: "Provided—" let me give the language.

Mr. TAWNEY. The language, I will say to the gentleman from Tennessee, is this:

And the Secretary of the Navy is hereby authorized to make expenditures for repairs and changes on vessels—

Not any particular vessel—

In excess of \$200,000, or in excess of 20 per centum of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

*Provided further*, That such expenditure on any ship—

Not on the ships that the Department has recommended to Congress should be repaired, but on any ship—shall not exceed the amounts reported as necessary therefor under the various bureaus of the Navy Department.

Mr. FOSS. Read on to the next line.

Mr. PADGETT. Let me ask the gentleman in plain English if "any ship" does not mean the ship reported to the Congress in pursuance of that law? Here is a report in

which each ship is given, the amount required for the improvements in the several bureaus, specially, specifically stated and itemized, and the provision here is that the Secretary is authorized to improve any of the ships on which he has made the report and submitted the estimates to Congress, and he could not improve or spend one dollar on any other ship except the one that has been named in this report and in the bureaus mentioned in the report.

The CHAIRMAN. The time of the gentleman from Tennessee [Mr. PADGETT] has expired.

Mr. TAWNEY. Mr. Chairman, I ask unanimous consent that the gentleman from Tennessee may proceed for five minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. I will say to the gentleman from Tennessee [Mr. PADGETT] that this provision as framed will become permanent law. It is a permanent authorization to the Secretary of the Navy to make repairs on any ship where the cost of the repair exceeds \$200,000 or 20 per cent of the cost of the ship, "provided that the expenditure shall not exceed the amounts reported as necessary therefor under the various bureaus of the Navy Department, said reports having been transmitted to Congress in conformity with the provisions of the act making appropriations for the naval service," and so forth. So that hereafter all that is necessary to authorize the Secretary of the Navy to expend any amount within the appropriation for repairs that the board may recommend is for that board to have transmitted its report to Congress. That means to future Congresses, it having transmitted its report to this, the first session of this Congress.

Now, I submit to the gentleman from Tennessee and the gentleman from Illinois, the chairman of the Committee on Naval Affairs, that it was not the intention of Congress when this legislation was incorporated in the last naval appropriation bill to merely receive the report made by the Department as to the ships that ought to be repaired, and the amount necessary for the repairs in each case. That was not alone the purpose. It was intended to give Congress information as to what repairs were deemed necessary, what ships should be repaired, what the cost was to be, and then let Congress appropriate specifically for the repair of each vessel, according to its judgment as to whether the repairs should or should not be made. Now, what happened at the beginning of last Congress—

Mr. PADGETT. Now, may I ask the gentleman just there, Do you mean to insist that it shall be excluded from the naval appropriation bill and come in a separate bill?

Mr. TAWNEY. No, sir; I do not; but it should be carried just the same in this bill as any repairs are carried in other appropriation bills. The appropriation should be made specific. Now, let me give the gentleman a little information as to how this legislation arose. At the beginning of the last Congress a deficiency was submitted from the Naval Department for this Bureau of more than \$2,000,000. Upon investigation it was found that that deficiency arose as a result of the Secretary of the Navy diverting appropriations for the reconstruction of vessels without authority from Congress; and to prevent that the first attempt was made to limit the expenditure to 10 per cent, but it failed; and in the next session your committee brought in here a limitation of 20 per cent, with an additional limitation requiring the Department, when the repairs necessary were above \$200,000, to submit the repairs and the necessity for the repairs with an estimate to Congress, the same as any other estimate. It was the expectation when these estimates were submitted that the committee would report a provision specifically appropriating in detail the money to make the repairs, and in this way prevent the diversion of appropriations for the different bureaus.

Now you propose to turn over to the Department, or give to the Department, absolute discretion to spend any amount of money for repairs in this bill that the board may recommend and submit in its report to Congress as being necessary, without any further legislation. Now, I submit that that is neither good administration nor good legislation. It certainly does not afford Congress an opportunity to keep that hold upon public expenditures and the administration of public appropriations that we should always endeavor to maintain. I now reserve the point of order, and the gentleman may proceed.

Mr. PADGETT. Now, Mr. Chairman, I do not know whether I have any time remaining.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PADGETT. I ask unanimous consent that I may proceed for two minutes.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. I think, Mr. Chairman, that the gentleman from Minnesota has entirely misinterpreted and misconstrued the language as provided in this bill. This language, to which he reserves the point of order, is granting an authorization to the Secretary of the Navy to make improvements upon specific ships to the specific amount mentioned in his report made to the Congress in pursuance of the law set forth in the section. Without this authorization the Department can not repair a single one of these ships, and we would be left in the condition of having our ships needing repair and the Congress denying to the Secretary the power and the authority and the ability to discharge his duty. It is simply an authorization to repair these specific ships within the amount mentioned in his report. It is not a repeal of the existing law, nor is it intended to be a repeal of existing law. It is more in the nature of an authorization to do work, and limiting the appropriations in this bill to that purpose. So that it does not broaden the discretion of the Department.

It gives them no new power, except the power to carry into effect the recommendations which they have made with regard to these specific vessels, named in their report, of which they have submitted detailed estimates, and these repairs should be made.

Mr. MADDEN. Will the gentleman allow me to ask him a question?

Mr. PADGETT. Certainly.

Mr. MADDEN. Was there any way in which the committee could have suggested the total amount of the appropriations to be used for this purpose?

Mr. PADGETT. Oh, yes. We could have named each ship.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BUTLER. Mr. Chairman, I ask that my colleague may have five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. PADGETT. We could have named the *San Francisco*, the *Baltimore*, the *Alabama*, the *Illinois*, the *Iowa*, the *Kearsarge*, the *Kentucky*, the *Adder*, the *Bennington*, the *Grampus*, the *Moccasin*, the *Pike*, and the *Paul Jones*; and we could have said so much from the Bureau of Construction and Repair; we could have said so much from the Bureau of Equipment, and named the various bureaus, but all of that is mentioned and set out in detail in this report. We have referred to the report. We make it by reference a part of the provisions of this authorization.

Mr. MADDEN. But the gentleman will acknowledge that the report is not a part of the law?

Mr. PADGETT. It becomes a part of the law by reference and incorporation in this provision.

Mr. MADDEN. Would the gentleman not think it wise to give Congress the information upon which the committee bases its recommendation?

Mr. PADGETT. It is here in a public document.

Mr. MADDEN. What would be the objection to embodying it in the bill?

Mr. PADGETT. Simply because it would take three or four pages to set it out here. And let me ask the gentleman a question. We authorize the building of a battle ship, the hull of which is to cost not to exceed \$6,000,000. Does the gentleman think we ought to set forth that the beams in that vessel should be of certain dimensions and that the nails and rivets should be of such quality and that we should go into the details in authorizing that construction?

Mr. MADDEN. I beg the gentleman's pardon. This is not a parallel case at all. This is a proposition similar to the construction of a ship. It seems to me that in giving the information as to the name of the ship and the amount of money it would cost to repair the ship, it is quite a different proposition from naming the character of the nails and the size of the timbers in the ship. It is simply a question whether the Navy Department or the Committee on Naval Affairs thinks it of sufficient importance to enumerate the particular things for which the money is to be expended.

Mr. PADGETT. Now, may I ask the gentleman just at that point if the committee is not just as specific in saying the ships mentioned in a given document as we would be to enumerate by name the ships mentioned in that document?

Mr. MADDEN. I do not understand that the document is any part of the law of the land.

Mr. PADGETT. But it is a public record. It is referred to by name.

Mr. MADDEN. But it is not any part of our legislation.

Mr. TAWNEY. If the gentleman will pardon me, you do not make that document a part of the bill by specific reference to it.

Mr. PADGETT. Oh, I beg your pardon. Listen:

*Provided further*, That such expenditures on such ships shall not exceed the amounts reported necessary therefor in the various bureaus of the Navy Department, said reports having been transmitted to Congress in conformity with the provisions of the act making appropriations for the naval service for the fiscal year ending June 30, 1903.

Mr. TAWNEY. Yes, but it does not state what reports have been submitted to Congress. It may have been submitted in the hearings before the Committee for aught that anybody here knows. There is no reference to any specific report on the repairs of vessels.

Mr. PADGETT. The gentleman is quibbling on words.

Mr. TAWNEY. No; he is not.

Mr. PADGETT. Let me call your attention to the fact that the act of Congress making appropriations imposed a duty upon the Secretary of the Navy that he should report to Congress the names of the ships and the amount necessary to make the repairs, in a specific case, where it exceeded \$200,000, or where it was as much as 20 per cent. Now, in compliance with that specific provision, he makes a specific report with reference to that specific subject, and it is just as definite as if I were to say, "An item under naval construction on a certain page of the naval appropriation bill for the fiscal year 1903."

Mr. TAWNEY. Can the gentleman from Tennessee tell the House how much the Secretary of the Navy under this provision would be authorized to expend in the repair of ships?

Mr. PADGETT. I can refer to it right here.

Mr. TAWNEY. Without his report?

Mr. PADGETT. No; but—

Mr. TAWNEY. Can any Member of the House do it?

Mr. PADGETT. No, sir. Can the gentleman tell me how much is included in any of the paragraphs of the bill without looking at the bill?

Mr. TAWNEY. I want to call the gentleman's attention to the fact that this is an appropriation of \$8,000,000 for repairs. So far as Congress knows, the repairs on some of these vessels might amount to as much as \$2,000,000, but there is no Member of the House who has any information whatever as to the amount that is proposed to be expended on these ships. The proposition does not identify the appropriation with the repairs that are to be made in any particular whatever.

Mr. PADGETT. We do identify it.

Mr. TAWNEY. No; you do not.

Mr. PADGETT. Because we refer to the ships.

[The time of Mr. PADGETT having expired, by unanimous consent it was extended five minutes.]

Mr. PADGETT. Now, here is the letter of the Secretary of the Navy submitting a draft of proposed legislation to authorize repairs of vessels of the Navy. That letter is addressed to the Secretary of the Navy and is submitted by the Secretary of the Navy to the Congress. In this report each ship is named. For instance, take the *San Francisco*: For modernizing batteries, \$35,250; for mine outfit, \$115,000; total, \$150,250. Take the *Baltimore*: For modernizing batteries, \$3,300; for mine outfit, \$200,000; total, \$203,300. And so he goes through with each ship.

Mr. TAWNEY. Will the gentleman state what the cost is of the repairs on the last ship mentioned?

Mr. PADGETT. That was the *Baltimore*. Steam engineering—the amount is \$203,000.

Mr. TAWNEY. I ask the gentleman what is the original cost of the vessel?

Mr. PADGETT. If I had the document here, I could tell you; I have not my reference book here.

Mr. TAWNEY. I want to ask the gentleman if 20 per cent, which the Secretary is authorized to spend, would not cover all the repairs mentioned?

Mr. PADGETT. It would not. Otherwise the Secretary would not be foolish enough to ask the authority of Congress to do what he already had authority to do.

Mr. TAWNEY. But he does not ask the authority of Congress.

Mr. PADGETT. He does. In the letter of the Secretary of the Navy he speaks of the proposed legislation to authorize the repairs of these vessels of the Navy which he mentions.

Mr. TAWNEY. Proposed legislation. That is the point I make here, that the specific requirements should be set out.

Mr. PADGETT. They are set out in this report. The Bureau of Steam Engineering sets out how much there is in that Bureau. The Bureau of Equipment sets out in detail how much is necessary under that Bureau. The whole of it is set out in detail and itemized, and then the committee in requiring this authorization for the Secretary to do that which it is his duty to do, we make that report a part of this provision.

Mr. MADDEN. How much is it proposed shall be expended under this authorization, does anybody know?

Mr. PADGETT. I have not added it up.

Mr. TAWNEY. Nobody knows.

Mr. MADDEN. It is not in the bill.

Mr. PADGETT. No; it is not set out in *hæc verba*, but it is set out in the report and in an itemized form, and if the gentleman will take his pencil and take this report and go through it, he can add up and find every dollar that is authorized to be expended on each ship.

Mr. MADDEN. But the gentleman knows that the reports are not submitted to the House to legislate upon.

Mr. PADGETT. What are they submitted for?

Mr. MADDEN. They are not submitted to us at all, they are sent to the Committee on Appropriations. The only thing this House has before it is the bill to legislate upon.

Mr. PADGETT. The report says it is submitted to Congress. It is in the House document room, and is available at any time for any Member. If it is not at the disposal of Congress, I fail to distinguish how it is differentiated from any other public document.

Mr. MADDEN. The bill itself ought to tell how much money there is appropriated, and there ought to be no question about that.

Mr. PADGETT. Oh, well, turn over here to the pay of the Navy in this bill, where we appropriate \$27,247,000 for the pay of the Navy; we simply group it in a few words.

Mr. MADDEN. Could not that be done in this case?

Mr. PADGETT. We do not in the bill say how much will be paid to this general or how much will be paid to that soldier. All that is settled by the administration of the Department.

Mr. MADDEN. But the amount which is appropriated is not given in this bill.

Mr. FOSS. Mr. Chairman, I desire to discuss the point of order in case the Chair has not made up his mind. In the first place, I desire to state that I do not agree with the statement made by the gentleman from Minnesota as to the effect that at any time the Secretary of the Navy has exceeded his authority before this provision was put in the bill in the matter of repairing and overhauling of ships.

Mr. TAWNEY. If the gentleman from Illinois will pardon me, I will state that the facts appeared before the Committee on Appropriations, and for that reason that committee refused to recommend to the House the appropriation of the \$2,000,000 deficiency, and when it was attempted to put a provision on the bill here on the floor of the House the statement as to the diversion of the appropriation was sufficient to prompt the House to refuse to put it on.

Mr. FOSS. The gentleman puts upon it his own construction.

Mr. TAWNEY. That is not a construction; it is a statement of fact.

Mr. FOSS. I have my own opinion also. Now, in regard to this provision which is in this bill, I desire to state that it is in exact conformity with the naval appropriation act of last year. The naval appropriation act of last year provided that the Secretary of the Navy should report to Congress the names of the ships upon which any repairs or changes are proposed, and further states:

And expenditures for such repairs or changes so limited shall be made only after appropriations in details are provided for by Congress.

In express compliance with that provision the Secretary of the Navy has made his report, and it is a House document here, and he has provided here just what shall be done with each ship.

*Brooklyn:* General overhauling, rearrangement of magazine, ammunition, \$275,000.

Does the gentleman want the committee to go down into it deeper than that and find out every screw and bolt and make an appropriation for it?

Mr. TAWNEY. If the gentleman will permit me—

Mr. FOSS. I will not be interrupted at the present time.

Mr. TAWNEY. I will answer the gentleman's question. He asked me a question.

Mr. FOSS. Well, I am going to ask the gentleman a few others.

Mr. TAWNEY. All right.

Mr. FOSS. Now, in this report each bureau sets out specifically what is to be done in connection with these ships. For instance, there is modernizing the battery on the *Baltimore*, \$3,300. On the *Alabama* we are to replace 6-pounders by six 3-inch guns and mounts, new devices for gun pointers, and so forth. Does the gentleman from Minnesota want to have us specify each and every item in connection with the repairs of these ships? If so, then let us have a bill here 40 miles long.

Mr. TAWNEY. Will the gentleman allow me to answer him now?

Mr. FOSS. Yes; if it is short.

The CHAIRMAN. Does the gentleman yield?

Mr. FOSS. If it is short.

Mr. TAWNEY. The gentleman asked me a question and I simply propose to answer it, provided he gives me permission to do so. It would be just as rational for the gentleman to say that because we appropriate specifically for the construction of a public building we ought to go into details and specify the character of the material that is to go into that building.

Mr. FOSS. Is not that what the gentleman is insisting upon?

Mr. TAWNEY. No; it is not at all.

Mr. FOSS. What is the gentleman insisting upon?

Mr. TAWNEY. I insist that the law contemplates that this report should be made showing what ships are to be repaired, the amount necessary to make the repairs—

Mr. FOSS. That is stated in the report.

Mr. TAWNEY. And then for the Committee on Naval Affairs to carry in their bill the amount necessary for the repair on each vessel, thus limiting the Secretary of the Navy to the amount which, in the judgment of Congress, should be expended in the making of that repair. You propose no limitation at all.

Mr. PADGETT. May I ask the gentleman a question?

Mr. FOSS. Just a moment. That is just what we do in the bill, only we do not specify the exact amounts. What do we do?

That such expenditures on any ship shall not exceed the amounts reported as necessary therefor under the various bureaus of the Navy Department, said reports having been transmitted to Congress in conformity with the provisions of the act making appropriations for the naval service for the fiscal year ending June 30, 1908.

That is the last Navy appropriation bill made in conformity with that, specifying these amounts, of course. We have not to have the amounts in it. It is not necessary. Why? Because by that language, as the gentleman knows, as a good lawyer knows—and the gentleman is a good lawyer—we made that report a part of the naval appropriation act by putting those words in there, "in conformity with the provisions of the act," and so forth.

Mr. PADGETT. May I ask the gentleman a question?

Mr. MADDEN. The gentleman says that he has made a report a part of the appropriation act. Will the gentleman say to the House that this report which is made a part of the appropriation act will appear in the act as printed in the permanent laws of the country?

Mr. FOSS. Oh, no; the report will not appear in the permanent laws of the country, but the gentleman knows, as a legislator, that time and again we make reports substantially a part of the laws by referring to them in similar language as placed in this provision.

Mr. STAFFORD. That is often the case in the river and harbor appropriation bill.

Mr. FOSS. Yes. Now, the gentleman from Minnesota, who is so often right, is in this case wrong.

I submit, Mr. Chairman, that the Secretary of the Navy has carried out to the letter the provisions which were placed in the appropriation act of last year, and it seems to me that this provision, in view of the fact that the Secretary of the Navy has carried it out to the letter as I say, is not subject to the point of order, but is in order as specified in the provision of last year and making appropriations for the repairs of those vessels.

The CHAIRMAN. Does the gentleman from Minnesota insist upon his point of order?

Mr. TAWNEY. I insist upon the point of order, but I wish to call the attention of the Chair to the language of the last proviso.

That such expenditures on any ship shall not exceed the amount reported as necessary therefor under the various bureaus of the Navy Department, said reports having been transmitted to Congress in conformity with the provisions of the act, etc.

That certainly does not relate to repairs heretofore submitted to Congress. It relates also to any report which may hereafter be submitted to Congress, and accordingly any amount of money that may be authorized in the appropriation for the repairs of ships, provided the report has been made. Authority would exist to make the repairs within the limitations of that report without any language of this character being carried in the bill hereafter, and it is virtually making this permanent law and legislation. If the word "heretofore" is inserted in line 3 after the word "amount" it would only relate to repairs made on vessels heretofore reported to Congress, but it does not do that. It relates also to repairs on vessels that may be reported to Congress at any time under the provisions of this law. The

law also requires the appropriation for repairs to be made in detail and in so far as this language authorizes repairs generally it is a change of existing law.

Mr. FOSS. Mr. Chairman, just a moment. The gentleman is clearly in error. This language says, "said reports having been submitted to Congress in conformity with the provisions of the act"—

Mr. TAWNEY. When?

Mr. FOSS (continuing). "In conformity with the provisions of the act making appropriations for the naval service for the fiscal year ending June 30, 1908," last year. It means all the reports which have been made up to the present time in conformity with the act.

Mr. TAWNEY. But it means also all future reports.

Mr. FOSS. It does not at all.

Mr. TAWNEY. "Said reports having been transmitted to Congress."

Mr. FOSS. It does not. If it meant all that, the word "hereafter" would be in there, but no such word is there. It is a provision which would have to be put upon the naval appropriation bill every year, but the provision of last year makes the appropriation in order. The Chair will see, if he reads the provision contained in the appropriation act of last year, "and expenditures for such repairs or changes so limited shall be made only after appropriations in detail are provided for by Congress." So, in my judgment, this is clearly in order, the Secretary of the Navy having carried out the wish and the will of Congress as expressed in the provisions of last year's bill.

The CHAIRMAN. The discussion so far has been purely upon the merits and has not been addressed to the Chair. The Chair will be glad to hear the gentleman from Illinois on the point of order. The provision is purely a legislative provision.

Mr. PADGETT. Mr. Chairman, I would like to suggest to the Chair that it is not subject to the point of order, for this reason: The act of Congress passed last year directs and makes it the duty of the Secretary of the Navy to report to Congress all repairs upon ships in order that authority may be granted to make repairs. Pursuant to that law he has submitted the estimates—

The CHAIRMAN. Will the gentleman state the provisions of last year's act?

Mr. PADGETT. It is in the naval appropriation act for the fiscal year ending June 30, 1908.

Mr. FOSS. I have the law here.

The CHAIRMAN. Under what heading?

Mr. PADGETT. It is under the heading of "Bureau of Construction and Repair."

The CHAIRMAN. Does the gentleman from Tennessee desire to proceed?

Mr. PADGETT. The only thing I wish to say, if the Chair pleases, was the suggestion that the law requires the Secretary of the Navy to submit the estimates for repairs and designate the ships; having done so, and this being a proper expenditure in the naval appropriation bill, it necessarily becomes pertinent and appropriate to include in the naval appropriation bill the authority to expend the money which it is necessary for the naval appropriation bill to carry.

The CHAIRMAN. The item in last year's bill contains this provision:

And expenditures for such repairs or changes so limited shall be made only after appropriations in detail are provided for by Congress.

Does the gentleman claim that this item makes an appropriation in detail under that provision of the statute?

Mr. PADGETT. Yes, sir; I do; by virtue of the fact that it refers to the estimates submitted by the Secretary of the Navy, and directs that the money shall be expended only according to and in pursuance of those estimates; and having referred to those by designation makes them a part of the legislation, and the appropriation being made for that specific purpose and limited to that purpose must be expended pursuant to that purpose.

The CHAIRMAN. The item in the bill to which the point of order is made provides:

And the Secretary of the Navy is hereby authorized to make expenditures for repairs and changes on vessels in excess of \$200,000, or in excess of 20 per cent of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

Provided further, That such expenditures on any ship shall not exceed the amounts reported as necessary therefor under the various bureaus of the Navy Department, said reports having been transmitted to Congress in conformity with the provisions of the act making appropriations for the naval service for the fiscal year ending June 30, 1908.

The act of last year contains this provision:

Provided further, That the Secretary of the Navy shall hereafter report to Congress, at the commencement of each regular session, the number of vessels and their names upon which any repairs or changes are proposed which in any case shall amount to more than \$200,000, the ex-

tent of such proposed repairs or changes, and the amounts estimated to be needed for the same in each vessel; and expenditures for such repairs or changes so limited shall be made only after appropriations in detail are provided for by Congress.

In the opinion of the Chair the item in the pending bill is not in conformity with the provision of the law of last year, but contains an express authorization to the Secretary of the Navy, and in that respect constitutes a change of existing law. The Chair, therefore, sustains the point of order.

Mr. PADGETT. Mr. Chairman, I offer the following amendment in detail, and I will ask the Clerk to read, as part of the amendment, that portion of the printed report marked by the pencil.

The CHAIRMAN. The gentleman from Tennessee [Mr. PADGETT] offers an amendment, which the Clerk will report.

The Clerk proceeded to read the amendment.

Mr. TAWNEY. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. TAWNEY. I rise for the purpose of asking unanimous consent that I may submit a proposition to the gentleman from Tennessee [Mr. PADGETT] that may obviate the necessity for much of the language that he proposes in this amendment, and that is that we pass this provision temporarily and prepare his amendment, eliminating the descriptive language in it.

Mr. PADGETT. That is all right.

The CHAIRMAN. The gentleman from Minnesota [Mr. TAWNEY] asks unanimous consent that the committee may recur to this portion of the bill for the purpose of offering an amendment.

Mr. FOSS. Mr. Chairman, it seems to me it all ought to go in, all the reports connected with the Bureau, stating what repairs should be made.

The CHAIRMAN. The gentleman from Illinois [Mr. Foss] objects. The Clerk will read.

Mr. FOSS. Mr. Chairman, I withdraw my objection.

Mr. TAWNEY. I renew the request, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the committee may recur to this portion of the bill for the purpose of having an amendment offered. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

In all, Naval Academy, \$475,728.36.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word for the purpose of referring to the efficiency of the work done at the Naval Academy as shown in the efficiency of the American Navy under the control of the naval officers. A great deal has been said in criticism of this efficiency.

In the war of the Revolution the American Navy captured 800 British ships, with 12,000 British seamen, more prisoners of war captured by the Navy than there were prisoners on land surrendered at Saratoga and Yorktown by Burgoyne and Cornwallis combined. It is true that because of the inadequacy of the Navy it was wiped off the seas. In 1812 the American Navy captured 1,200 British ships, with 20,000 British seamen. The British ships that came across the ocean were those that had won the victories of Nelson. They came across five times as strong as the whole American Navy. They had counted 196 victories out of 200 engagements with European enemies. They fought eighteen battles with American frigates and lost fifteen of the engagements.

The American force was far inferior. Its loss should have been greater. On the contrary, the American losses were only about one-fifth the British losses. It is true that because of the insufficiency of the Navy it was unable to control the sea, it was wiped off the ocean, and America was invaded at the mouth of the Mississippi and up the Chesapeake, and Washington City was burned.

In the civil war, it has been stated by an unprejudiced expert, an officer sent by the French Government to follow the operations of that war, that three things were necessary to the success of the Union arms. First, that the South, which had wealth to purchase, but which did not have manufacturing facilities to manufacture the materials of war, should be shut off from the rest of the world.

Second, that the compact South should be cleft in twain by the Mississippi River and its tributaries. Third, that the Union Army should capture Richmond. Three prime factors, two of which fell to the function of the Navy. That war lasted almost five years, it is true, but it did not last very long after the Mississippi River had cut the South in twain and a blockade of the Southern harbors was effected. I venture to suggest that that war would have been ended in half the time if the United States had had an adequate navy at the outset, and that the pension bills that have been paid since the war would have been cut more than in half. At this point I beg to call

the attention of Members of Congress to the fallacy that is going around—that the Navy is responsible for pensions. The pensions are due to the fact that we did not have a Navy adequate to prevent the war. Sixty-five to 70 per cent of our revenues—

The CHAIRMAN. The time of the gentleman has expired.

Mr. COX of Indiana. I ask unanimous consent that the gentleman may proceed for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chairs hears none.

Mr. HOBSON. It is said that we spend 65 or 70 per cent of the entire revenues of this country for the purposes of war, past, present, and future. And the statement is brought up as an argument against the provision for a navy that would save us from a war. The great pension lists we are paying are paid for the volunteer armies that had to be raised because the country did not have a navy either to prevent war or to make it short and decisive.

But take the war with Spain. An expert has been quoted as saying that our efficiency at target practice was very poor. It was poor as compared with the efficiency of to-day. But it was excellent as compared with the efficiency of that day. Let me remind Members here that the work of the Navy in the war with Spain will go down all the annals of time as the most efficient since the world began. Up to the battle of Manila Bay there had never been a case in the world's history where any fleet had totally destroyed another fleet in any engagement of any considerable size. There had never been in the world's history a war where a fleet had won a substantial victory without suffering serious loss. At Manila Bay, on the 1st of May, 1898, the American Navy broke two world's records in accomplishing the total destruction of the enemy without incurring any loss to the victor.

Some say it was only cruising ships against cruising ships, but the same record was repeated at Santiago. The Spanish ships there were 21-knot vessels, well armed, first class, up to date. Our vessels differed in speed. If the Spanish vessels had attained 21 knots standing off in a group, before nightfall our squadron would have been strung out over a distance of a hundred miles, and the compact Spanish squadron could have turned about and destroyed our vessels by piecemeal, one at a time. Instead of the Spanish ships making 21 knots, they realized 16 knots speed. The American ships of 16 knots, in the heat of battle, realized 17 knots speed. Again the record of Manila Bay was repeated. I do not care if battles are fought until the end of time, there never will be a case which will surpass the victories won at Manila Bay and Santiago, in which the American Navy attained a mathematical maximum of efficiency by totally destroying the enemy without loss to themselves.

There are those who will tell you our vessels are badly built; that the armor belt is not properly placed; that the freeboard is too low, and so forth. Let me remind you that the naval constructors of the American Navy go through Annapolis and take postgraduate courses. There is no such education of naval constructors in any other country. There is no navy that has such provision for education of its officers as the American Navy. The naval constructors here are not inferior to any others in the world. As a matter of fact the American naval constructors in the old days put forty-four guns upon the same frigate where foreign constructors put thirty-six. In the later day, in the case of the *Oregon*, they gathered as much power in a ship of 10,500 tons as their contemporaries abroad gathered in ships of 13,000 and 14,000 tons. You will permit me to say that I believe the record of unparalleled efficiency is still maintained by the personnel of the Navy, and to say that the ships, the product of the personnel of the Navy, are fully as good as their contemporaries of equal tonnage in the best navies abroad. It is my own judgment that to-day the historic sequence is maintained of 20 to 25 per cent greater power than similar contemporary vessels abroad.

But a revolution has taken place in naval architecture in the last few years, and all the great nations are building their navies anew.

The gunnery showing at Santiago, making 4 per cent of hits at moderate ranges, would be regarded as very poor to-day, when 75 per cent of hits at long ranges is not unusual. Consequently the whole method of naval fighting has been revolutionized. You do not have to fire on the wing. The mechanism is adapted so that you can keep your sights pointed on the target even while the ship is rolling. All you have to do is to pull the trigger when the gun is ready. Furthermore, you can stand off at long ranges and with the methods of spotting now in vogue you can know the range accurately and can make a large percentage of hits in a seaway at six, seven, eight, and

nine thousand yards. This means that the great guns will fight out the battles of the future, and the 6, 7, and 8 inch guns carried in great numbers by existing ships will take no important part except in resisting torpedo attack.

[The time of Mr. Hobson having expired, by unanimous consent it was extended five minutes.]

Mr. HOBSON. The war between Russia and Japan brought out the fact that you can stand off with your great guns and hammer the enemy. It revolutionized naval architecture, like the war of 1865. All the world has recognized that the navies must be built over. There is no nation in the world that is following out its old consecutive programme, continuing as in the past. Every other nation in the world is building a new navy, composed of these great ships, with the great guns that stand off at long distances, and against which existing ships, even the best, could not hope to contend. There are those who will tell you they had rather have one ship of 20,000 tons built to-day than a dozen ships of 10,000 to 15,000 tons built three and four years ago, because with the larger displacement they can attain higher speed and carry better armor, as well as three and four times as many great guns. This question is not a difficult one to understand. The dead weights on a ship—the skin, the frames, the beams—are all surfaces. They vary as the square of a linear dimension.

The useful weights—the guns, the armor, the coal, the machinery—are measured by the displacement of the ship, or the volume, and vary as the cube of a linear dimension. Therefore even in like vessels the percentage of useful weight increases with the size, and the advantage lies heavily on the side of the larger vessel. If a vessel had been built five years ago of 20,000 tons, it would have had the power of three vessels of 10,000 tons each of the same general design. To-day a vessel of 20,000 tons built to embody the new features has the power of at least five vessels of 10,000 tons built before the revolution in naval architecture. With higher speed the larger vessels can control the range, and stand off at seven, eight, and nine thousand yards and, by concentrating their fire, destroy almost any number of smaller ships that might try to reach them. This means that when we come to determine the naval programme this year it is not a matter of following a consecutive programme gauged by tonnage of existing ships, but is a matter of building the Navy over anew, as all the other nations are doing. We are already two years behind. I have a set of curves here appearing in *The Engineer*, of London, of March 13, 1908. It has plotted curves for the other powers, and, assuming that America will go on a two-ship basis for the next five years—two *Dreadnoughts* a year—this curve shows that not only Germany, but Japan, will go far ahead of us. It shows that America, instead of holding her present position, will drop back either to fourth or fifth place.

It is the law in Germany to-day that there must be four ships this year, three battle ships and one armored cruiser of about 20,000 tons apiece, and the armored cruiser ought to be counted with the battle ships; that next year there must be four, and the following year there must be four. Our existing tonnage will soon count for little, and at the rate of two new ships a year America will speedily fall far behind Germany. The American people do not wish our Navy to drop back in this way. Other powers are negotiating loans at as high as 4 per cent to build their navies over anew, while we, with \$250,000,000 cash balance in the Treasury, apparently are satisfied to go along as though there had been no change in naval architecture. In the Atlantic Ocean alone, if there were no added demand due to the fact that the Pacific Ocean has come upon us, we would have to change this programme of two battle ships a year to at least four if we would hold our own position.

The highest efficiency of our personnel can not make inferior ships do the work of superior ships. We must either build ships faster or sink back to a secondary position among the naval powers. The American people certainly do not desire this.

The Clerk read as follows:

Contingent, Marine Corps: For freight, tolls, cartage, advertising, washing of bed sacks, mattress covers, pillowcases, towels, and sheets, funeral expenses of officers and marines, including the transportation of bodies and their arms and wearing apparel from the place of demise to the homes of the deceased in the United States, stationery and other paper, telegraphing, rent of telephones, purchase and repair of typewriters, apprehension of stragglers and deserters, per diem of enlisted men employed on constant labor for a period of not less than ten days, employment of civilian labor, repair of gas and water fixtures, office and barracks furniture, camp and garrison equipage and implements, mess utensils for enlisted men, such as bowls, plates, spoons, knives and forks, tin cups, pans, pots, etc.; packing boxes, wrapping paper, oilcloth, crash, rope, twine, quarantine fees, camphor and carbolic paper, carpenters' tools, tools for police purposes, iron safes, purchase and repair of public wagons, purchase and repair of public harness, purchase of public horses, services of veterinary surgeons, and medicines for public horses; purchase and repair of hose, purchase and repair of fire extinguishers, purchase of fire hand grenades; purchase and repair of carts, wheelbarrows, and lawn mowers; purchase and repair

of cooking stoves, ranges, stoves and furnaces where there are no grates; purchase of ice, towels, soap, combs, and brushes for offices; postage stamps for foreign postage; purchase of books, newspapers, and periodicals; improving parade grounds; repair of pumps and wharves; laying drain, water, and gas pipes; water, introducing gas, and for gas, gas oil, and introduction and maintenance of electric lights; straw for bedding, mattresses, mattress covers, pillows, sheets; wire bunk bottoms for enlisted men at various posts; furniture for Government quarters and repair of same, and for all emergencies and extraordinary expenses arising at home and abroad, but impossible to anticipate or classify, \$285,000.

Mr. HOBSON. Mr. Chairman, I move to strike out the last word for the purpose of calling attention to the strength of the personnel of the Navy, including that of the Marine Corps. It has been argued on the floor of this House that the Navy has now an extraordinary shortage in its personnel and that on that account we should stop building ships until we catch up in men.

In the first place, the present bill carries 6,000 additional men and 1,500 marines, and these men and marines are to man the ships already authorized. So that, according to our own practice, we have not yet found it necessary to stop building ships to wait for the men. Heretofore we have been building ships and then authorizing the men afterwards. The argument that the ships should wait on the men has no weight whatsoever. Not that I approve of delay in authorizing more men. It really takes almost as long to train a man as to build a ship. Of course, they do not put all new men on the new ship, but put with them some experienced men. The wisest policy would be to allow the bill that carries the ship to carry automatically the men required to man the ship, and then the men would be ready by the time the ship is built.

But the truth is that to-day our country, for personnel of our Navy, is in better condition than it has been at any time since the civil war, except during the Spanish war period. It is recruited right up to the last man, and they are now stopping recruiting and calling in some of the recruiting stations.

Furthermore, there is a prospect of continued activity and efficiency in recruiting. The very fact that the country is taking more interest in its Navy, that it is sending its fleet to the Pacific Ocean, that we find we must become a naval power, creates an interest throughout the nation that enables us without any question of conscription, and with only a reasonable and fair standard of inducement, to secure all the men we need. What we should do is not to stop building ships, but to continue the precedent set in this bill by each year authorizing a proportionate increase in the number of men. [Applause.]

A big new ship of 20,000 tons, without the large number of secondary guns, requires but few, if any, more men than one of our existing ships of 15,000 and 16,000 tons. As we get the big ships of great power we can put out of commission an increasing number of smaller ships, and thus economize on the number of men, though greatly increasing the power of the Navy.

Mr. FOSS. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 20471, the naval appropriation bill, and had come to no resolution thereon.

#### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CROCKETT, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15653) to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the civil war.

#### PENSION OF WIDOWS AND MINOR CHILDREN.

Mr. SULLOWAY. Mr. Speaker, I desire to call up the conference report on the bill H. R. 15653. I ask unanimous consent that the reading of the report be dispensed with and that the statement be read.

The SPEAKER. The gentleman from New Hampshire asks unanimous consent that the reading of the report be dispensed with and that the statement only be read.

Mr. WILLIAMS. I object.

The Clerk read the conference report and statement, as follows:

#### CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 15653, "An act to increase the pension of widows, minor chil-

dren, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the civil war," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment to section 1 of the bill;

That the Senate recede from its amendment on lines 14 and 15, page 2 of the bill;

That the Senate recede from its amendment on line 20, page 2, after "six;"

That the Senate recede from its amendment to the title of the bill.

That the House recede from its disagreement to the amendment of the Senate in line 12, page 2 of the bill;

That the House recede from its disagreement to the amendments of the Senate on lines 17, 18, and 19, page 2 of the bill; and agree to the same.

C. A. SULLOWAY,  
H. C. LOUDENSLAGER,  
CHAS. H. WEISSE,

*Managers on the part of the House.*

P. J. MCCUMBER,

N. B. SCOTT,

JAS. P. TALLIAFERRO,

*Managers on the part of the Senate.*

#### STATEMENT

Of the conferees on H. R. 15653, "An act to increase the pension of widows, minor children, etc., of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, etc., and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war."

The Senate amended section 1 of the bill by striking out the minor children, helpless children, Spanish-war widows, and widows of the regular establishment, and the result of the conference is that these are restored, and the section as it originally passed the House is agreed to.

As the bill originally passed the House it applied only to those widows who were married prior to June 27, 1890, but it was amended in the Senate, bringing the date of marriage down to the time of the passage of this act. As a result of the conference it is agreed by the managers on the part of the House and Senate that the provisions of the same be only applicable to those who married prior to June 27, 1890, as the law now is, and as the bill was passed by the House.

The amendments of the Senate, in lines 12, 17, 18, and 19, page 2 of the bill, relate solely to the verbiage, and do not change the provisions of the bill; but, in the opinion of your conferees, they perfect the same, and your conferees agreed to these Senate amendments.

C. A. SULLOWAY,  
H. C. LOUDENSLAGER,  
CHAS. H. WEISSE,

*Managers on the part of the House.*

Mr. SULLOWAY. Mr. Speaker, I move that the House agree to the conference report.

The SPEAKER. The gentleman from New Hampshire moves that the House agree to the conference report.

Mr. WILLIAMS. In order to expedite business, Mr. Speaker, I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 238, answered "present" 7, not voting 142, as follows:

#### YEAS—238.

Adair	Burton, Ohio	Crawford	Fassett
Adamson	Butler	Crumpacker	Ferris
Aiken	Calder	Currier	Finley
Alexander, Mo.	Calderhead	Cushman	Floyd
Ames	Caldwell	Dalzell	Focht
Andrus	Campbell	Darragh	Foss
Ansberry	Candler	Davidson	Foster, Ill.
Ashbrook	Capron	Davis, Minn.	Foster, Ind.
Bartholdt	Carter	Dawson	Foulkrod
Bartlett, Ga.	Cary	De Armond	French
Bates	Caulfield	Denby	Fuller
Beall, Tex.	Chaney	Denver	Fulton
Bell, Ga.	Chapman	Diekema	Gaines, W. Va.
Bonyng	Clark, Mo.	Dixon	Gardner, Mich.
Booher	Clayton	Douglas	Gardner, N. J.
Brantley	Cocks, N. Y.	Draper	Garrett
Brodhead	Cole	Driscoll	Gilham
Brownlow	Conner	Durey	Gill
Brundidge	Cooper, Pa.	Dwight	Glass
Burke	Cooper, Tex.	Ellis, Mo.	Godwin
Burligh	Cooper, Wis.	Ellis, Oreg.	Goebel
Burleson	Cox, Ind.	Englebright	Goddole
Burnett	Craig	Esch	Gordon
Burton, Del.	Cravens	Fairchild	Goulden

Graft	Kahn	Morse	Sims
Granger	Kelifer	Mouser	Slayden
Greene	Kelher	Mudd	Small
Gregg	Kennedy, Iowa	Murdock	Smith, Mich.
Griggs	Kennedy, Ohio	Murphy	Smith, Mo.
Hackney	Kinkaid	Needham	Smith, Tex.
Hale	Kitchin, Claude	Norris	Sparkman
Hamill	Knapp	Nye	Sperry
Hamilton, Iowa	Knowland	O'Connell	Spight
Hamilton, Mich.	Lafean	Olcott	Stafford
Hardwick	Lamar, Mo.	Padgett	Steenerson
Hardy	Landis	Page	Stephens, Tex.
Haskins	Laning	Parker, N. J.	Sterling
Hawley	Lassiter	Parker, S. Dak.	Sturgiss
Hay	Leake	Payne	Sulloway
Helm	Legare	Perkins	Tawney
Henry, Conn.	Lewis	Peters	Taylor, Ohio
Henry, Tex.	Lindbergh	Porter	Thistlewood
Higgins	Littlefield	Pray	Thomas, N. C.
Hinshaw	Lloyd	Pujo	Thomas, Ohio
Hobson	Longworth	Randell, Tex.	Tirrell
Holliday	Loud	Rauch	Tou Velle
Houston	Loudenslager	Reeder	Townsend
Howell, Utah	Lovering	Reid	Volstead
Howland	McCall	Reynolds	Wanger
Hubbard, Iowa	McKinley, Ill.	Richardson	Washburn
Hubbard, W. Va.	McLachlan, Cal.	Robinson	Watkins
Huff	McLaughlin, Mich.	Rothermel	Willett
Hull, Iowa	McMillan	Rucker	Williams
Hull, Tenn.	Macon	Russell, Mo.	Wilson, Ill.
Humphrey, Wash.	Madden	Sabath	Wilson, Pa.
Humphreys, Miss.	Madison	Shackleford	Wood
Jenkins	Mann	Sheppard	Woodyard
Johnson, Ky.	Miller	Sherley	Young
Johnson, S. C.	Moore, Pa.	Sherman	
Jones, Wash.	Moore, Tex.	Sherwood	

## ANSWERED "PRESENT"—7.

Alexander, N. Y.	Cousins	Moon, Tenn.	Roberts
Bowers	Langle	Parsons	

## NOT VOTING—142.

Acheson	Fordney	Knopf	Powers
Allen	Fornes	Klistermann	Pratt
Anthony	Foster, Vt.	Lamar, Fla.	Prince
Bannon	Fowler	Lamb	Rainey
Barchfeld	Gaines, Tenn.	Law	Ransdell, La.
Barclay	Gardner, Mass.	Lawrence	Rhinock
Bartlett, Nev.	Garner	Lee	Riordan
Beale, Pa.	Gillespie	Lenahan	Rodenberg
Bede	Gillett	Lever	Russell, Tex.
Bennet, N. Y.	Graham	Lilley	Ryan
Bennett, Ky.	Gronna	Lindsay	Saunders
Bingham	Hackett	Livingston	Scott
Birdsall	Haggott	Lorimer	Slomp
Boutell	Hall	Lowden	Smith, Cal.
Boyd	Hamlin	McCreary	Smith, Iowa
Bradley	Hammond	McDermott	Snapp
Broussard	Harding	McGavin	Snawick
Brumm	Harrison	McGuire	Stanley
Burgess	Haugen	McHenry	Stevens, Minn.
Byrd	Hayes	McKinlay, Cal.	Sulzer
Carlin	Healin	McKinney	Talbott
Clark, Fla.	Heburn	McLain	Taylor, Ala.
Cockran	Hill, Conn.	McMorran	Underwood
Cook, Colo.	Hill, Miss.	Malby	Vreeland
Cook, Pa.	Hitchcock	Marshall	Waldo
Coudrey	Howard	Maynard	Wallace
Davenport	Howell, N. J.	Mondell	Watson
Davey, La.	Hughes, N. J.	Moon, Pa.	Webb
Dawes	Hughes, W. Va.	Nelson	Weeks
Dunwell	Jackson	Nicholls	Weisse
Edwards, Ga.	James, Addison D.	Olmsted	Wheeler
Edwards, Ky.	James, Ollie M.	Overystreet	Wiley
Ellerbe	Jones, Va.	Patterson	Wolf
Favrot	Kimball	Pearre	
Fitzgerald	Kipp	Pollard	
Flood	Kitchin, Wm. W.	Pou	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the balance of the day:

Mr. DOUGLAS with Mr. TALBOTT.

Until further notice:

Mr. WATSON with Mr. RHINOCK.

Mr. SMITH of Iowa with Mr. RAINEY.

Mr. SCOTT with Mr. NICHOLLS.

Mr. PRINCE with Mr. MAYNARD.

Mr. NELSON with Mr. McDERMOTT.

Mr. MARSHALL with Mr. JONES of Virginia.

Mr. McGAVIN with Mr. HUGHES of New Jersey.

Mr. McCREARY with Mr. LIVINGSTON.

Mr. LOWDEN with Mr. OLLIE M. JAMES.

Mr. LORIMER with Mr. HEFLIN.

Mr. HOWELL of New Jersey with Mr. HAMMOND.

Mr. HAYES with Mr. HACKETT.

Mr. HAUGEN with Mr. GILLESPIE.

Mr. HARDING with Mr. GARNER.

Mr. GILLET with Mr. FLOOD of Virginia.

Mr. COOK of Colorado with Mr. FITZGERALD.

Mr. BIRDSALL with Mr. ELLERBE.

Mr. BANNON with Mr. COCKRAN.

Mr. HALL with Mr. CLARK of Florida.

Mr. BEDE with Mr. KIPP.

Mr. BOUTELL with Mr. HILL of Mississippi.

Mr. LAWRENCE with Mr. RUSSELL of Texas.

Mr. SLEMP with Mr. BYRD.

Mr. BRADLEY with Mr. RIORDAN.

Mr. McGUIRE with Mr. STANLEY.

Mr. MONDELL with Mr. BOWERS.

Mr. LANGLEY. Mr. Speaker, I voted through an oversight. I am paired with another gentleman. If he were present, I would vote "aye." I wish to change my vote.

The SPEAKER. The Clerk will call the gentleman's name. The Clerk called the name of Mr. LANGLEY, and he answered "present."

Mr. MOON of Tennessee. Mr. Speaker, I voted in the affirmative. I have a general pair, and I wish to withdraw my vote and vote "present."

The SPEAKER. The Clerk will call the gentleman's name. The Clerk called the name of Mr. Moon of Tennessee, and he answered "present."

The result of the vote was announced as above recorded.

## ENROLLED BILL SIGNED.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title, when the Speaker signed the same:

H. R. 20310. An act relating to the liability of common carriers by railroad to their employees in certain cases.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 24. An act to increase the efficiency of the personnel of the Revenue-Cutter Service.

## SENATE JOINT RESOLUTION REFERRED.

Under clause 2, Rule XXIV, Senate joint resolution of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. R. 78. Joint resolution establishing the boundary line between the States of Colorado and Oklahoma and the Territory of New Mexico—to the Committee on the Judiciary.

## INCREASE OF THE NAVY.

The SPEAKER laid before the House a message from the President of the United States, which was read and referred to the Committee on Naval Affairs and ordered printed.

[For message see proceedings of Senate of this day.]

## LEAVES OF ABSENCE.

By unanimous consent, leave of absence was granted to—

Mr. BEDE, for five days, on account of important business.

Mr. LEVER, for one week, on account of sickness.

## NAVY APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20471, the naval appropriation bill.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to present the following petition and have it, together with the names thereto attached, read at this time and printed in the Record.

The SPEAKER. The gentleman from Minnesota asks unanimous consent that the following petition, with the names attached, be read and printed in the RECORD. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read.

The Clerk read as follows:

To the Representatives and Senators in Congress:

We, the undersigned citizens of New York City, voicing, as we believe, the sentiments of many thousands of American citizens, earnestly protest against the extravagant demand for an addition of over \$60,000,000 in the form of four new battle ships, cruisers, etc., to the naval budget of last year, inasmuch as no danger threatens the country not known last April, when President Roosevelt told the world: "We are no longer enlarging our Navy. We are simply keeping up its strength. The addition of one battle ship a year barely enables us to make good the units which become obsolete."

Sixty-five per cent of the national income is now expended on war, past and present. The increase of our naval budget has recently been used in the French Assembly as a reason for increasing its own; is largely responsible for the increase of armaments among Asiatic nations, and is well-nigh certain to retard that reduction in the armaments of the world for which we have so long been waiting.

The growing discontent throughout the world at the appalling increase of waste of national resources must be heeded. We feel that this protest is the more necessary inasmuch as there are various new and effective methods now available for promoting international friendship and rationally settling difficulties, which these new demands seem to ignore.

Andrew Carnegie, Robert Fulton Cutting, Robert C. Ogden, George Haven Putnam, Oswald Garrison Villard, Horace White, Samuel J. Barrows, Fanny Garrison Villard, Marcus M. Marks, Anna Garlin Spencer, Hamilton Holt, Robert Erskine Ely, George Foster Peabody, Spencer Trask, John Martin, Prestonia Mann Martin, E. Stillman Doubleday, Miriam Finn Scott, Leroy Scott, William G. Choate, Mrs. William G. Choate, Alfred J. Boulton, Francis Lynde Stetson, Morrill Goddard, A. Harport, Jr., A. Lueder, Robert T. Walker, Cecil K. Leavitt, Evelyn G. Leavitt, Isabella McDonald, Anna Benner, C. B. Smith,

W. C. Demorest, William A. Smith, William Henry Knox, John W. McAvoy, Joseph V. Land, P. B. Land, Sarah E. Gardner, John Ash, Martha Nixon, Melissa Sutton, Endora Magill, E. A. Eckhardt, George S. Baldwin, Gudron Halmith, Sarah Potter Paine, Alice Burns, Lee W. Beattie, Mrs. Ferdinand Herman, Albert G. Lawson, Martha Knight Lawson, Albert Lawson Frost, Anna T. Frost, William M. Frost, Isaac Yankauer, Charles G. Ehrlich, Albert Dublon, Louis F. Denike, Katharine Donegham, Hannah L. Wingate, James Purdy, Susannah Jarman, Edith K. Purdy, John B. Bogart, L. R. Greenberg, Kate Daniels, Fannie Dubin, Meyer Greenberg, Max Scott, Martha R. White, A. W. Howells, A. E. White, Marion R. Tabor, Samuel H. Bishop, Richard P. Messiter, James Thornton, S. Priestler, Mrs. G. A. Harrington, George A. Dows, Annie Dows, Virginia Ostrom, Mrs. Francis J. Garrison, Janette Lytle, Mrs. Oswald G. Villard, Alice Morgan Harrison, Ellen Theresa Morgan, Jessie M. de Gagarza, W. G. Kains, G. W. Wenner, R. G. H. Cooper, R. E. Smythe, Mrs. C. Smith, E. G. Armstrong, H. Mason, Henry Mottet, F. D. Veiller, Mrs. W. C. Waters, Mrs. Leo Stein, James S. Dennis, Henry Feldmann, Gustav J. Voss, Frederick Kanter, E. F. Bockmann, W. Pilgrim, Frederick Herman, William J. Meager, Miss G. Kendall, Angelina de Champlin, Joseph Reading, Mrs. L. D. Badger, Lucy Whitin, Blanch Lucas, Bertha Brooks, Anna G. Du Bois, Louise Whitin, John E. Nichollans, Alfred Bosson, Edward J. Osborn, Raymond Dodge, Raymond Levy, Caroline Despard, Flora Harrison, Margaret S. Sutton, Margaret Bates, Gwendaren Despard, Maria Barton, Richard S. Collins, Sarah W. Collins, Stephen W. Collins, Sarah C. Isham, Annie Fellows Noid, Edward A. Grossmann, Mrs. E. A. Grossmann, Mrs. H. I. Ostrom, Joseph Marx, Nathan Holtz, R. A. Theodora Bliss, Mrs. B. B. Wilbur, M. R. Yost, K. Müller, Ruth Keir, Stephen S. Wise, L. J. Waterman, Louise E. Phillips, Emilie F. Leach, Laeta E. Leach, Ludwig Rothenbild, Jacob J. Koch, John H. Hawley, Edward Heath, Jr., Isaac H. Cohen, C. I. Hobson, Ellen Collins, Joseph E. Wisner, John Bauer, Elizabeth Kewe, Mary Collins, R. B. Queimelt, Mrs. M. G. Preston, May Preston Slosson, Mary Hess Brown, A. J. Joffe, E. E. Olcott, Silas Gerkes, Edwin Donaldson, Solomon Schwartz, B. C. Hammond, William M. Schumann, George Marshall, Philip F. Nolan, David H. Scott, William Schmidt, Mary E. Crygier, Albert Crygier, Arthur Constant, R. W. Dolson, Jonathan Pierce, Thomas Locken, W. W. Passage, Percy Russell, William De Voce, George W. Waldron, Sydney H. Cox, Joseph A. Wells, Herbert Vandebeck, John H. Washburn, Mrs. H. C. Havens, Miss C. Marsh, H. Collin Havens, Willmore Marsh, Mrs. W. W. Jones, Albert Adler, Arthur B. Goodkind, Augusta L. Wetmore, Francis J. Potter, Etta Potter, L. D. Austin, Mary W. Somerville, Liela Chevalier, Clarissa V. Prescott, John E. Roeser, John C. Bliss, Mrs. L. C. Wagner, Dr. L. Lambert, Gottlieb Pach, Francis Poch, Teresa A. Egan, Edward D. Page, Homer G. Ostrom, Denis T. S. Denison, Camille Solomon, Robert C. Wey, Victor Baar, Mary R. Davis, Lillie Benedict, James J. Bixby, C. P. Bixby, John D. Long, John S. Festerson, D. J. Meserole, Louis W. Pfau, E. V. Alford, A. M. Callender, William M. Jackson, Anna M. Jackson, Jane M. Carpenter, Louis E. Thompson, Edward Palmer, James Ferguson, William Stiff, Mrs. William Stiff, Mrs. James Ferguson, Helen Matthews, Harry C. Abbe, Hubert Howson, L. Lippmann, C. Schulhafer, Harry Samuelson, M. S. Perser, Paul J. Marks, Robert D. Von Rentsch, Abraham Cofe, J. Budwig, Henry Dilg, Helen McDowell, Isabella Waters, Howard Bradstreet, Henry Moskowitz, Robert Cabmovit, Lydia M. Storey, Dwight N. Graham, William K. Austin, William K. Austin, Jr., Thomas B. Austin, William K. Austin, Henry W. Hardon, Cora Burr Hardon, Adolph Spiegel, Orrin S. Wood, Mrs. Orrin S. Wood, Matilda Woodrow, George Edgar, Thomas C. Edgar, Joachim Elmendorf, David Black, Dennis H. Cox, Florence Ida Hackett, H. E. Plover, C. B. Eaton, Isabelle S. Whitin, Jessie Morris, C. A. Morris, Harold A. Content, B. A. Sullivan, J. L. MacDonald, Stanhope Wheatcroft, Marjorie A. Content, Jennie D. Frank, M. B. Cleveland, Annette B. Collins, John W. T. Nichols, Horace J. Jaquith, James C. Bany, Charles G. Bliss, Stephen S. Haight, J. J. Falvey, H. L. Clark, N. M. Nielsen, E. Osterwalder, A. D. Banston, Jacob Ropbach, Thomas P. Ryan, Michael Raphael, C. F. Watkins, W. B. Veneam, William Kranth, Charles Wiesman, William Vandom, George Dambert, Sophie Kranth, W. G. Creamer, H. C. Creamer, Joseph R. Dorman, Julius Libeman, Joseph M. Guinness, Cynthia T. Meeker, Maude Arundel Collier, J. A. L. Gardner, J. G. B. Heath, C. F. F. Hall, Mrs. Thompson, L. Strachey, G. C. Levis, M. A. Beament, George Beament, W. Stevenson, Mrs. R. A. Todd, R. A. Todd, Mrs. J. H. Blanchard, Margaret J. Sexton, John T. Sexton, Alice Caffrey, Alex. Pargiter, W. A. Steremun, John Mead Howells, Fred L. Stearns, Louise A. Stearns, Albert S. Bard, Charles Henry Davis, Robert R. White, Michael Kley, Bernard Kirsch, Anna A. Short, Charles W. Snow, Rosa Welt Straus, Nellie Straus, Josiah C. Pumpelly, W. H. Straight, Robert G. Boville, William O. McDowell, William E. Stark, Percy Waxman, C. L. Armstrong, Katharine Dubois McKnight, J. R. Winchester, W. D. Schaffer, Anna R. Brewster, Charlotte H. Simpson, Florence Van Wyck, Robert Baker, Richard F. George, Edmund Corkill, Peter Aiken, John Fehner, S. Grace Royce, Florence H. Holden, Alice G. Raymond, Hannah D. Sharps, Mary Root, Fanny Finn Miller, William Miller, E. R. Grannis, S. L. Kibbe, S. C. Hazen, M. L. Woodberry, Mrs. Raymond, Panouyota Alexandrakis, A. P. Hazen, Augustus White, Stephen Loines, Henry B. Hathaway, R. H. Loines, Mary H. Loines, Oliver E. Saylor, Mrs. George Place, M. A. Livar, Frederick A. Camp, Lynn Camp, Amzi Camp, C. C. Mead, Kate C. Carpenter, L. W. Robbins, Bailey B. Burritt, K. Richards, M. L. Reid, Arthur Dow.

[Applause.]

## RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House do now take a recess until 11.30 o'clock to-morrow morning.

Mr. HOBSON. Mr. Speaker, I rise to a point of personal privilege, and ask that unanimous consent be given for the reading of the following memorial.

Mr. HARDWICK. That is not a question of personal privilege, and I make the point of order.

Mr. HOBSON. Well, the gentleman can make his point of order.

Mr. HARDWICK. I do.

The SPEAKER. The gentleman will state his question of privilege.

Mr. HOBSON. Mr. Speaker, I ask unanimous consent on any ground whatsoever, that this memorial be allowed to go into the Record.

Mr. WILLIAMS. Mr. Speaker, both sides of this controversy having been heard, I shall now object to any further continuance of it.

The SPEAKER. The gentleman from Mississippi objects. The question is on the motion of the gentleman from New York, that the House take a recess until to-morrow morning at 11.30 o'clock.

Mr. HOBSON. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. Ah, but a motion of the highest privilege is pending before the House.

Mr. HOBSON. A parliamentary inquiry.

Mr. PAYNE. I call for the regular order.

Mr. HOBSON. Have I not the right now to lay before the House a memorial from a labor organization of America?

Mr. WILLIAMS. Mr. Speaker, I am sorry, but I make the point of order that that is not personal privilege.

The SPEAKER. The point is well taken. The question is on the motion of the gentleman from New York that the House take a recess until to-morrow morning at 11.30.

The question was taken, and on a division (demanded by Mr. WILLIAMS) there were—yeas 160, noes 75.

Mr. WILLIAMS. Mr. Speaker, I respectfully demand tellers.

Mr. PAYNE. Mr. Speaker, I make the point of order that that demand is dilatory.

The SPEAKER. The Chair sustains the point of order.

Mr. WILLIAMS. When I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken, and there were—yeas 143, nays 95, answered "present" 10, not voting 139, as follows:

## YEAS—143.

Adair	Driscoll	Jones, Wash.	Needham
Allen	Durey	Kahn	Nelson
Ames	Dwight	Kelifer	Norris
Anthony	Ellis, Oreg.	Kennedy, Iowa	Nye
Bartholdt	Englebright	Kennedy, Ohio	Olcott
Bates	Esch	Kinkaid	Parker, N. J.
Bonyng	Fairchild	Knapp	Parker, S. Dak.
Burke	Focht	Knowland	Parsons
Burleigh	Foss	Küstermann	Payne
Burton, Del.	Foster, Ind.	Landis	Perkins
Burton, Ohio	Foulkrod	Langley	Porter
Butler	French	Lanling	Pray
Calder	Fuller	Law	Reeder
Calderhead	Gaines, W. Va.	Lindbergh	Reynolds
Campbell	Gardner, Mich.	Littlefield	Scott
Capron	Gardner, N. J.	Longworth	Slemp
Cary	Gilham	Loud	Smith, Cal.
Caulfield	Goebel	Loudenslager	Smith, Iowa
Chaney	Graff	Lovering	Smith, Mich.
Chapman	Greene	Lowden	Sperry
Cocks, N. Y.	Hale	McCall	Stafford
Cole	Hamilton, Mich.	McKinlay, Cal.	Steenerson
Conner	Haskins	McKinley, Ill.	Sterling
Cooper, Pa.	Hawley	McLachlan, Cal.	Sturgiss
Cooper, Wis.	Hayes	McLaughlin, Mich.	Sulloway
Crumpacker	Henry, Conn.	McMillan	Taylor, Ohio
Currier	Higgins	Madden	Thistlewood
Cushman	Hinshaw	Madison	Thomas, Ohio
Dalzell	Holliday	Mann	Tirrell
Darragh	Howell, Utah	Marshall	Volstead
Davis, Minn.	Howard	Miller	Wanger
Dawson	Hubbard, Iowa	Moore, Pa.	Washburn
Denby	Hubbard, W. Va.	Morse	Wood
Diekema	Huff	Mouser	Woodyard
Douglas	Humphrey, Wash.	Mudd	Young
Draper	Jenkins	Murdock	

## NAYS—95.

Adamson	Burleson	De Armond	Granger
Aiken	Burnett	Denver	Gregg
Alexander, Mo.	Byrd	Dixon	Griggs
Ansberry	Caldwell	Ferris	Hackney
Ashbrook	Candler	Finley	Hamill
Bartlett, Ga.	Carlin	Floyd	Hamilton, Iowa
Beall, Tex.	Carter	Foster, Ill.	Hardwick
Beil, Ga.	Clark, Mo.	Fulton	Hardy
Booher	Clayton	Garrett	Hay
Bowers	Cooper, Tex.	Gill	Healin
Brantley	Cox, Ind.	Glass	Helm
Brodhead	Craig	Godwin	Henry, Tex.
Brundidge	Cravens	Gordon	Hobson

Houston	Lloyd	Richardson	Smith, Tex.
Hull, Tenn.	Macon	Robinson	Sparkman
Humphreys, Miss.	Moore, Tex.	Rothermel	Spight
Johnson, Ky.	Murphy	Rucker	Stephens, Tex.
Kellher	O'Connell	Russell, Mo.	Thomas, N. C.
Kitchin, Claude.	Padgett	Sabath	Tou Velle
Lamar, Mo.	Pate	Sheppard	Watkins
Leake	Peters	Sherley	Willett
Legare	Randell, Tex.	Sherwood	Williams
Lewis	Rauch	Small	Wilson, Pa.
Livingston	Reid	Smith, Mo.	

## ANSWERED "PRESENT"—10.

Alexander, N. Y.	Foster, Vt.	Lamb	Sherman
Brownlow	Goldfogle	Moon, Tenn.	
Cousins	Goulden	Roberts	

## NOT VOTING—139.

Acheson	Fitzgerald	Kipp	Pujo
Andrus	Flood	Kitchin, Wm. W.	Rainey
Bannon	Fordney	Knopf	Ransdell, La.
Barchfield	Fornes	Lafean	Rhinock
Barclay	Fowler	Lamar, Fla.	Riordan
Bartlett, Nev.	Gaines, Tenn.	Lassiter	Rodenberg
Beale, Ia.	Gardner, Mass.	Lawrence	Russell, Tex.
Bede	Garner	Lee	Ryan
Bennet, N. Y.	Gillespie	Lenahan	Saunders
Bennett, Ky.	Gillett	Lever	Shackleford
Bingham	Graham	Lilley	Sims
Birdsall	Gronna	Lindsay	Slayden
Boutell	Hackett	Lorimer	Snapp
Boyd	Haggott	McCreary	Southwick
Bradley	Hall	McDermott	Stanley
Broussard	Hamlin	McGavin	Stevens, Minn.
Brumm	Hammond	McGuire	Sulzer
Burgess	Harding	McHenry	Talbott
Clark, Fla.	Harrison	McKinney	Townsend
Cockran	Haugen	McLain	Taylor, Ala.
Cook, Co. Co.	Hepburn	McMorran	Townsend
Cook, Pa.	Hill, Conn.	Malby	Underwood
Coudrey	Hill, Miss.	Maynard	Vreeland
Crawford	Hitchcock	Mondell	Waldo
Davenport	Howard	Moon, Pa.	Wallace
Davey, La.	Howell, N. J.	Nicholls	Watson
Davidson	Hughes, N. J.	Olmsted	Webb
Dawes	Hughes, W. Va.	Overstreet	Weeks
Dunwell	Hull, Iowa	Patterson	Weems
Edwards, Ga.	Jackson	Pearre	Weisse
Edwards, Ky.	James, Addison D.	Pollard	Wheeler
Ellerbe	James, Ollie M.	Pou	Wiley
Ellis, Mo.	Johnson, S. C.	Powers	Wilson, Ill.
Fassett	Jones, Va.	Pratt	Wolf
Favrot	Kimball	Prince	

So the motion was agreed to.

The Clerk announced the following additional pairs:

For the balance of day:

Mr. HULL of Iowa with Mr. SLAYDEN.

Mr. ANDRUS with Mr. SIMS.

Until further notice:

Mr. BRADLEY with Mr. GOULDEN.

Mr. SHERMAN with Mr. RIORDAN.

Mr. BEDE with Mr. SHACKLEFORD.

Mr. WILSON of Illinois with Mr. RAINEY.

Mr. BENNETT of Kentucky with Mr. JOHNSON of South Carolina.

Mr. LILLEY with Mr. LASSITER.

The result of the vote was announced as above recorded.

Accordingly (at 5 o'clock and 3 minutes p. m.) the House took a recess until to-morrow at 11.30 a. m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Acting Secretary of State submitting an estimate of appropriation for printing the ascertainment of electors for President and Vice-President (H. R. Doc. 862)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of Commerce and Labor, transmitting the report of Special Agent W. A. Graham Clark on the Swiss embroidery and lace industry (S. Doc. 434)—to the Committee on Interstate and Foreign Commerce.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Coleman T. Brown against The United States (H. R. Doc. 861)—to the Committee on War Claims and ordered to be printed.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. MONDELL, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 480) amend-

ing subdivision 10 of section 2238, Revised Statutes of the United States, reported the same without amendment, accompanied by a report (No. 1443), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CUSHMAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 19964) to authorize the Iron Dyke Copper Company, a corporation of the State of Pennsylvania, to construct a bridge across the Snake River, between Oregon and Idaho, at or near Homestead, Oreg., reported the same without amendment, accompanied by a report (No. 1444), which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20115) to extend the time for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr., reported the same with amendment, accompanied by a report (No. 1445), which said bill and report were referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 11039) for the relief of Willard W. Alt, of Hyannis, Nebr., reported the same with amendments, accompanied by a report (No. 1440), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15218) for the relief of the sureties on the official bond of the late Cornelius Van Cott, reported the same without amendment, accompanied by a report (No. 1441), which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 2873) for the relief of the owners of the steam lighter *Olimax* and the cargo laden aboard thereof, reported the same without amendment, accompanied by a report (No. 1442), which said bill and report were referred to the Private Calendar.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 19066) granting an increase of pension to Edward F. Reeves, and the same was referred to the Committee on Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. LOUD: A bill (H. R. 20771) to create a third Federal district court in Michigan to be known as the northern district—to the Committee on the Judiciary.

By Mr. COCKRAN (by request): A bill (H. R. 20772) to construct a national auto highway along or near to the thirty-fifth parallel of north latitude from the Atlantic to the Pacific oceans—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN: A bill (H. R. 20773) authorizing the Chief of Ordnance of the United States Army to sell obsolete rifles, etc., to patriotic organizations—to the Committee on Military Affairs.

By Mr. HULL of Tennessee: A bill (H. R. 20774) to establish a fish hatchery and biological station in the Fourth Congressional District of the State of Tennessee—to the Committee on the Merchant Marine and Fisheries.

By Mr. BURTON of Delaware: A bill (H. R. 20775) to provide for the acquisition and improvement of the Chesapeake and Delaware Canal—to the Committee on Railways and Canals.

By Mr. FERRIS: A bill (H. R. 20776) providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose in the State of Oklahoma—to the Committee on the Public Lands.

By Mr. ANDREWS: A bill (H. R. 20777) authorizing the Territory of New Mexico to sell and transfer certain school lands to the town of Portales, N. Mex.—to the Committee on the Territories.

By Mr. BELL of Georgia: A bill (H. R. 20778) to provide for increasing the limit of cost of the public building authorized to be erected at Gainesville, Hall County, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. BATES: A bill (H. R. 20779) authorizing the appointment of certain first-class sergeants, Signal Corps, United States Army, now on the retired list of the Army, to the grade of second lieutenant in the Army, and placing them upon the retired list of the Army—to the Committee on Military Affairs.

By Mr. HAMILTON of Iowa: A bill (H. R. 20780) to regulate interstate shipments of domestic animals, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. REEDER: A bill (H. R. 20781) providing for an increase of the irrigation fund, and for other purposes—to the Committee on Irrigation of Arid Lands.

By Mr. ELLIS of Oregon: A bill (H. R. 20782) to amend the third subdivision of section 2586 of the Revised Statutes of the United States—to the Committee on Ways and Means.

By Mr. HULL of Tennessee: A bill (H. R. 20783) making appropriation for the construction and equipment of a Weather Bureau observatory on Crab Orchard Mountain, Cumberland County, Tenn.—to the Committee on Agriculture.

By Mr. MANN: A bill (H. R. 20784) to authorize additional aids to navigation in the Light-House Establishment, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. SMALL: A bill (H. R. 20823) regulating injunctions and the practice of the district and circuit courts of the United States—to the Committee on the Judiciary.

By Mr. HAYES: Joint resolution (H. J. Res. 166) providing for the printing of 2,500 copies of certain public documents—to the Committee on Printing.

By Mr. MONDELL: Joint resolution (H. J. Res. 167) to prevent settlement upon and speculation in certain lands affected by contemplated suits on behalf of the United States—to the Committee on the Public Lands.

By Mr. REEDER: Joint resolution (H. J. Res. 168) directing the Secretary of the Interior to make investigation concerning certain lands in Wyoming and Idaho—to the Committee on the Public Lands.

By Mr. LILLEY: Joint resolution (H. J. Res. 169) authorizing the President to appoint a commission to investigate and report as to naval stations—to the Committee on Naval Affairs.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANTHONY: A bill (H. R. 20785) granting an increase of pension to Joseph Sizelove—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 20786) to remove the charge of desertion from the military record of Milton A. Romig—to the Committee on Military Affairs.

Also, a bill (H. R. 20787) granting an increase of pension to Mary Twiller—to the Committee on Invalid Pensions.

By Mr. BARTHOLOMT: A bill (H. R. 20788) granting a pension to Charles F. Friedeck—to the Committee on Pensions.

Also, a bill (H. R. 20789) granting a pension to Margaret Shea—to the Committee on Pensions.

By Mr. BATES: A bill (H. R. 20790) for the relief of Clark E. Barnard—to the Committee on Military Affairs.

By Mr. BONYNGE: A bill (H. R. 20791) granting an increase of pension to Henry Shafer—to the Committee on Invalid Pensions.

By Mr. BOUTELL: A bill (H. R. 20792) to reimburse the city of Chicago for damage done by the U. S. light-house tender *Dahlia* to the Chicago Avenue Bridge—to the Committee on Claims.

By Mr. CALDER: A bill (H. R. 20793) for the relief of Elizabeth G. Martin—to the Committee on Insular Affairs.

By Mr. CALDERHEAD: A bill (H. R. 20794) granting an increase of pension to Mason D. Sampson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20795) granting an increase of pension to William F. McClenahan—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 20796) granting an increase of pension to Frank Luther—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 20797) granting a pension to Sue Webb Cooke—to the Committee on Invalid Pensions.

By Mr. COCKRAN: A bill (H. R. 20798) granting a pension to Frederick Kupper—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 20799) granting an increase of pension to John C. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20800) granting an increase of pension to William Wallace—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 20801) granting a pension to the children of Preston Decker, deceased—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 20802) granting an increase of pension to Nancy L. Fay—to the Committee on Invalid Pensions.

By Mr. DALZELL: A bill (H. R. 20803) granting a pension to Lydia E. Rose—to the Committee on Invalid Pensions.

By Mr. ELLIS of Oregon: A bill (H. R. 20804) granting an increase of pension to William H. Williams—to the Committee on Pensions.

By Mr. FAIRCHILD: A bill (H. R. 20805) granting an increase of pension to Richard Whipple—to the Committee on Invalid Pensions.

By Mr. FINLEY: A bill (H. R. 20806) granting an increase of pension to Minor Hartman—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 20807) to confirm the title to certain land to Daniel W. Abbott—to the Committee on the Public Lands.

Also, a bill (H. R. 20808) granting a pension to Anthony L. Bledsoe—to the Committee on Invalid Pensions.

By Mr. GILLESPIE: A bill (H. R. 20809) for the relief of Virginia W. Jones—to the Committee on War Claims.

By Mr. HENRY of Connecticut: A bill (H. R. 20810) granting an increase of pension to Dwight Pierce—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 20811) granting an increase of pension to Peter S. Augustine—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 20812) granting a pension to William J. Young—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 20813) granting a pension to Mizella C. Rowe—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 20814) granting an increase of pension to John L. Doughty—to the Committee on Invalid Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 20815) granting a pension to Andrew Gongwer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20816) granting a pension to William Fay—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 20817) granting an increase of pension to George W. Cramer—to the Committee on Invalid Pensions.

By Mr. SLEMP: A bill (H. R. 20818) granting an increase of pension to Archibald Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20819) granting an increase of pension to Carter D. Herd—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 20820) granting a pension to Samuel Custer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20821) granting an increase of pension to James Downey—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 20822) granting a pension to Estelle L. Philbrook—to the Committee on Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANTHONY: Papers to accompany H. R. 20195, granting a pension to Louisa St. Clair Crall—to the Committee on Pensions.

By Mr. ASHBROOK: Paper to accompany bill for relief of Andrew Hodge—to the Committee on Pensions.

By Mr. BATES: Petitions of Manufacturers' Association, Reid Manufacturing Company, Erie Manufacturing Supply Company, and Walker Foundry Company, all of Erie, Pa., against H. R. 19745 (amendment to Sherman antitrust law)—to the Committee on the Judiciary.

Also, petition of Moniuszko Dramatic Society, of Erie, Pa., against restrictive immigration measures—to the Committee on Immigration and Naturalization.

Also, petition of national banks of Cedar Rapids, Iowa, for the enactment of a purely emergency currency bill—to the Committee on Banking and Currency.

Also, petition of E. O. Emerson, jr., of Titusville, Pa., for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of Philadelphia Bourse, against the Hepburn amendment to the Sherman antitrust law—to the Committee on the Judiciary.

Also, petition of E. P. Sheldon, representing the Electric Iron Works, for regulation of child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of C. F. Allis, representing the Second National Bank of Erie, Pa., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of the Hammerville Paper Company, against H. R. 19745 (Hepburn amendment to the Sherman anti-trust law)—to the Committee on the Judiciary.

Also, petition of Walker Foundry Company, of Erie, Pa., against H. R. 19745 (Hepburn amendment to the Sherman antitrust law)—to the Committee on the Judiciary.

Also, petition of Clearing House Association of Banks of Philadelphia, for reference of currency question to a commission—to the Committee on Banking and Currency.

By Mr. BENNET of New York: Petition of New York Board of Trade and Transportation, against the Hepburn amendment to Sherman antitrust law (H. R. 19745)—to the Committee on the Judiciary.

By Mr. BURKE: Petition of Chamber of Commerce of Pittsburgh, favoring H. R. 4375 and 4377, for fitting pensions for widows of Dr. Jesse W. Lazear and Maj. James Carroll—to the Committee on Pensions.

Also, paper to accompany bill for relief of Lizzie Nelson—to the Committee on Invalid Pensions.

Also, petition of the Pittsburgh Clearing-House Association, favoring a commission of experts to adjust the currency—to the Committee on Banking and Currency.

Also, petition of Duquesne Council, No. 264, of Pittsburgh, Pa., to make October 12 a holiday to be called "Columbus Day"—to the Committee on the Judiciary.

Also, petition of Butler Builders' Exchange, of Pittsburgh, Pa., against the eight-hour bill (H. R. 15651)—to the Committee on Labor.

Also, petition of Laughlin Lodge, No. 633, Brotherhood of Locomotive Firemen and Engineers, favoring S. 6320 and H. R. 19795, to equip all locomotives with automatic ash pans—to the Committee on Interstate and Foreign Commerce.

Also, petition of Edward Godfrey, against sale of intoxicants on Government property—to the Committee on Alcoholic Liquor Traffic.

By Mr. BURLEIGH: Petition of New Century Grange, No. 356, of Dedham, Me., for the creation of a national highways commission and for appropriation to give Federal aid to the States in highway construction (H. R. 15837)—to the Committee on Agriculture.

By Mr. CALDER: Petition of John O'Brien, asking legislation proposed by American Federation of Labor conference—to the Committee on the Judiciary.

Also, petition of Congress of the Knights of Labor, asking that tariff be removed from wood pulp and white paper—to the Committee on Ways and Means.

Also, petition of George J. Phillips and others, asking that labor unions be excluded from provisions of the Sherman law—to the Committee on the Judiciary.

Also, petition of citizens of Brooklyn, N. Y., in favor of S. 4812, regulating child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Downtown Taxpayers' Association, of New York City, N. Y., favoring building battle ships in United States yards—to the Committee on Naval Affairs.

By Mr. CALDERHEAD: Petition of the Building and Loan Federation of Western Pennsylvania, for amendment of Hepburn bill (H. R. 18525) so as to exempt from its operations building and loan associations that make loans to their members only—to the Committee on Ways and Means.

Also, petition of Kansas conference of the Evangelical Association in annual conference, favoring the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of the Kansas State Retail Merchants' Association, against proposed amendments to the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of editor of Betterways, for immediate consideration of the Stevens bill, for removal of duty from wood pulp—to the Committee on Ways and Means.

Also, petition of national banks of city of St. Louis, against Aldrich bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of national banks of Chicago, against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of N. D. Sanders and other citizens of Kansas, for the McKinney currency bill (H. R. 15262)—to the Committee on Banking and Currency.

Also, petitions of Falon Local, No. 219; Stone Local, No. 59; Harmony Local, No. 17; Union Local, No. 187; District No. 12, Local No. 146; Summit Local, No. 131; Bavaria Local, No. 60; Happy Corner Local, No. 35, Farmers Educational and Cooperative Union of America, and Saline County Farmers' Union, of Kansas, for S. 5122 (establishment of a rural parcels post)—to the Committee on the Post-Office and Post-Roads.

Also, petition of A. J. Collins, against H. R. 255, 256, and 257 (parcels-post measures)—to the Committee on the Post-Office and Post-Roads.

By Mr. COOK of Pennsylvania: Petition of Central Federated Union, advocating building battle ships in Government yards—to the Committee on Naval Affairs.

Also, petition of R. Wallace Smith and others, against provisions of Sherman antitrust law—to the Committee on the Judiciary.

Also, protest of Philadelphia Bourse, against passage of H. R. 17290, to protect trade and commerce against unlawful restraints and monopolies—to the Committee on the Judiciary.

By Mr. COOPER of Pennsylvania: Petition of many citizens of the United States, against atrocities practiced by the Russian Government—to the Committee on Foreign Affairs.

Also, petition of A. E. Yoell, for enactment of an Asiatic exclusion law—to the Committee on Immigration and Naturalization.

Also, petition of Central Federated Union, favoring construction of battle ships in navy-yards—to the Committee on Naval Affairs.

Also, petition of citizens of Fayette County, against the treaty of arbitration now being negotiated between the United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of Philadelphia Bourse, against H. R. 17290, to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies"—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: Petition of clearing house of Racine, Wis., against passage of Aldrich currency bill in its present form—to the Committee on Banking and Currency.

Also, petition of residents of Green County, Wis., protesting against passage of S. 1519 and 3940, relating to Sunday observance—to the Committee on the District of Columbia.

By Mr. CRAWFORD: Petition of citizens of Asheville and Wolf Creek, N. C., against H. R. 4897 and 4929, to protect the first day of the week as day of rest in the District of Columbia and prohibition of labor, etc., on said day—to the Committee on the District of Columbia.

By Mr. CRUMPACKER: Petition of banks of Valparaiso, Ind., against the Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

By Mr. DALZELL: Paper to accompany bill for relief of Lydia E. Rose—to the Committee on Invalid Pensions.

By Mr. DENBY: Petitions of Emily S. W. Waite, Louis J. Post, and others, protesting against certain actions of the Russian Government—to the Committee on Foreign Affairs.

By Mr. DRAPER: Petition of A. W. Gilchrist and others, for a national highways commission and Federal aid in road building (H. R. 15837)—to the Committee on Agriculture.

By Mr. DUREY: Paper to accompany bill for relief of Peter Van Antwerp—to the Committee on Invalid Pensions.

By Mr. ELLIS of Oregon: Petition of Mayville Grange, No. 203, favoring a national highways commission (H. R. 15837)—to the Committee on Agriculture.

Also, papers to accompany H. R. 20725, for the relief of Anna G. R. Baker—to the Committee on Invalid Pensions.

By Mr. FOSTER of Vermont: Petition of Central Labor Union and affiliated bodies of St. Johnsbury, Vt., favoring passage of H. R. 10556, for alleviation of sufferers from accidents in coal mines—to the Committee on Mines and Mining.

By Mr. FULLER: Petition of Maj. G. W. Rohr, for the Fuller bill (H. R. 19250), for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of First National Bank of De Kalb, Ill., against Aldrich currency bill (S. 3023)—to the Committee on Banking and Currency.

Also, petition of Central Federation Union, favoring construction of one battle ship in navy-yard—to the Committee on Naval Affairs.

Also, petition of Ben Franklin Club, of Chicago, for repeal of duty on wood pulp and paper—to the Committee on Ways and Means.

Also, petition of citizens of Winnebago County, Ill., for a national highways commission and Federal aid in road construction (H. R. 15837)—to the Committee on Agriculture.

By Mr. GILHAMS: Petition of N. B. Griffin and others, favoring a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. GOULDEN: Petition of Louis M. Zimmerman, assistant adjutant-general, Department of Maryland, Grand Army of the Republic, for H. R. 220, relative to improper use of the American flag—to the Committee on the Judiciary.

Also, petition of Merchants' Association of New York City, protesting against passage of H. R. 16954, relating to appointments in the Census Bureau—to the Committee on the Census.

Also, petition of Phil Sheridan Post, No. 14, Grand Army of the Republic, Department of Potomac, for suitable memorial for enlisted men of the Army, Navy, and Marine Corps—to the Committee on the Library.

Also, petition of board of education of New York City, favoring H. R. 20012, for establishment of public marine schools—to the Committee on Naval Affairs.

Also, petition of Central Federated Union, favoring battle ship building in navy-yards—to the Committee on Naval Affairs.

Also, petition of Clearing House Association of the Banks of Philadelphia, Pa., against the Aldrich currency bill (H. R. 3023)—to the Committee on Banking and Currency.

By Mr. GRAHAM: Petition of Pittsburgh Clearing House Association, favoring a commission of experts to adjust the currency—to the Committee on Banking and Currency.

Also, paper to accompany bill for relief of James Charles Cramer—to the Committee on Military Affairs.

Also, petition of National Guard Association of Pennsylvania, against wearing of uniform of regular and volunteer officers and soldiers by unauthorized persons—to the Committee on Military Affairs.

Also, petition of Western Electric Company, of Pittsburgh, favoring S. 4812, regulating child labor in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Duquesne Council, No. 264, Knights of Columbus, to make October 12 a holiday and to be called "Columbus Day"—to the Committee on the Judiciary.

Also, petition of Butler Builders' Exchange, against the eight-hour bill (H. R. 15651)—to the Committee on Labor.

Also, petition of R. H. Smith, for prohibition of all liquor selling on Government property—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Chamber of Commerce of Pittsburgh, for H. R. 4375 and 4377 and S. 1157, giving pensions to widows of Dr. Jesse W. Lazear and Maj. James Carroll—to the Committee on Pensions.

By Mr. HAMLIN: Paper to accompany bill for relief of Samuel Moser—to the Committee on Invalid Pensions.

By Mr. HINSHAW: Petition of Chamber of Commerce of Pittsburgh, Pa., asking passage of H. R. 4375, granting an increase of pension to Mrs. Lazear and Mrs. Carroll—to the Committee on Pensions.

By Mr. HOWLAND: Petition of E. L. Chatfield and 24 other citizens of Medina County, Ohio, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also petition of Cataract Lodge, No. 2, Amalgamated Association of Iron, Fire, and Steel Workers of America, for an amendment to the Sherman antitrust law, which will recognize the rights of organized labor and protect the same, and for other relief—to the Committee on the Judiciary.

Mr. HUMPHREY of Washington: Petition of Fred Funk and other citizens of Washington, for a national highways commission and appropriation for Federal aid in building highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. KELHER: Petition of Pacific and other mills of Massachusetts, for forest reservations in White Mountains and Southern Appalachian Mountains—to the Committee on Agriculture.

Also, petition of citizens of Boston, Mass., against any treaty of arbitration between United States and Great Britain—to the Committee on Foreign Affairs.

Also, petition of National Credit Men's Association, for amendment of national bankruptcy act—to the Committee on the Judiciary.

Also, petitions of citizens of Denver, Colo.; Boston, Mass.; New York, N. Y.; Madison, Wis., and Chicago, Ill., against atrocities practiced by the Russian Government—to the Committee on Foreign Affairs.

Also, petition of Appalachian Club, for preservation of Niagara Falls—to the Committee on Rivers and Harbors.

By Mr. KENNEDY of Ohio: Paper to accompany bill for relief of Jefferson Milbourn—to the Committee on Invalid Pensions.

Also, papers to accompany H. R. 9971, for the relief of Samuel Witter, and H. R. 11035, for the relief of William E. Lowary—to the Committee on Invalid Pensions.

By Mr. LINDSAY: Petition of William Ferrier and other citizens of Brooklyn, N. Y., urging support of labor's recent memorial to Congress and, most particularly, remedial legislation excluding labor unions from provisions of the Sherman antitrust act—to the Committee on the Judiciary.

Also, petition of George J. Schaefer and other citizens of Brooklyn, N. Y., favoring support of amendment to Sherman antitrust law proposed by American Federation conference (Pearre bill, employers' liability bill, and eight-hour bill)—to the Committee on the Judiciary.

Also, petition of Merchants' Association of New York, against the noncompetitive examination feature of Crumpacker bill (H. R. 16954) providing for employees in taking the Thirteenth Census—to the Committee on the Census.

By Mr. LLOYD: Petitions of Garrett Grange, of Lewis County, Mo., and citizens of Lewis and Clark counties, for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

Also, petition of citizens of Marion County, against religious legislation in the District of Columbia (H. R. 4897)—to the Committee on the District of Columbia.

Also, petition of citizens of Knox County, Mo., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. McHENRY: Petition of Scranton national banks, opposing some sections of the Aldrich bill—to the Committee on Banking and Currency.

By Mr. McLAUGHLIN of Michigan: Papers to accompany House bill granting an increase of pension to Andrews Gongner, of Hart, Mich.—to the Committee on Invalid Pensions.

By Mr. MARSHALL: Petition of Fargo Clearing House Association, opposing passage of Aldrich bill—to the Committee on Banking and Currency.

By Mr. MOORE of Pennsylvania: Petition of Philadelphia Bourse, against H. R. 17290, for protection of trade—to the Committee on Interstate and Foreign Commerce.

Also, petition of Philadelphia jewelers, favoring H. R. 18446, the Vreeland bill, relating to marking of gold-filled and gold-plated watches—to the Committee on Interstate and Foreign Commerce.

By Mr. O'CONNELL: Petition of Hugh O'Neill Club, of Dorchester, against any treaty of arbitration between Great Britain and the United States—to the Committee on Foreign Affairs.

Also, petition of Atlantic Coast Seamen's Union, of Boston, for an Asiatic exclusion law—to the Committee on Immigration and Naturalization.

By Mr. OVERSTREET: Petition of Charles Edmondston, favoring construction of battle ships at United States navy-yards—to the Committee on Naval Affairs.

By Mr. SPARKMAN: Petition of Jacksonville Board of Trade, in favor of arbitration between nations—to the Committee on Foreign Affairs.

By Mr. SPERRY: Protests of citizens of New Haven and Derby, Conn., against the Hepburn amendment to the Sherman antitrust law—to the Committee on the Judiciary.

Also, resolutions of the International Association of Steam, Hot Water, and Power Pipe Fitters and Helpers, of New Haven, Conn., against extension of the rights of naturalization and for an Asiatic exclusion law—to the Committee on Immigration and Naturalization.

By Mr. SHACKLEFORD: Paper to accompany bill for relief of Frances M. Roach—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: Petition of Randolph Grange, No. 119, for a national highways commission and Federal aid in construction of highways (H. R. 15837)—to the Committee on Agriculture.

By Mr. WASHBURN: Petition of M. L. Wave and others, asking the discharge of committees and passage of interstate liquor bills—to the Committee on the Judiciary.

By Mr. WOODYARD: Petition of West Virginia State Board of Agriculture, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.